CHILD ABUSE LEGISLATION IN THE 99TH CONGRESS

JOINT HEARING

BEFORE THE

SUBCOMMITTEE ON SELECT EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR

AND THE

SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

NINETY-NINTH CONGRESS

FIRST SESSION

HEARING HELD IN WASHINGTON, DC, DECEMBER 11, 1985

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CHILD ABUSE LEGISLATION IN THE 99TH CONGRESS

WEDNESDAY, DECEMBER 11, 1985

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON SELECT EDUCATION OF THE COMMITTEE ON EDUCATION AND LABOR AND THE SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS OF THE COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittees met, pursuant to call, at 9:30 a.m., in room 2261, Rayburn House Office Building, Hon. Pat Williams (chairman of the Subcommittee on Select Education) presiding.

Members present: Representatives Williams, Hayes, Martinez, Bartlett, and Goodling; and Edwards of California, Kastenmeier, and Sensenbrenner.

Staff present: S. Gray Garwood, staff director; David Esquith, minority legislative associate; Mary Jane Fiske, minority senior legislative associate; and Colleen Thompson, clerk, of the Subcommittee on Select Education; James X. Dempsey, assistant counsel; and Phil Kiko, associate counsel, of the Subcommittee on Civil and Constitutional Rights.

Mr. WILLIAMS. I call this hearing to order.

This is a joint oversight hearing of the Subcommittee on Select Education and the Subcommittee on Civil and Constitutional Rights regarding child abuse legislation before this Congress.

Let me first call upon my colleague, Chairman Don Edwards.

Mr. EDWARDS of California. Thank you, Mr. Chairman. I want to thank you and your fine staff for all of the cooperation they have given us. We have worked together on this legislation.

My part of the bill is a very modest part which comes from the attorney general of California's office. They had a commission on this very important subject. My bill embodied three of the commission's recommendations. First, it lifted the prohibition on the reporting of child abuse cases by employees of federally funded drug and alcohol abuse programs. Current law has been read by some to prohibit a doctor, nurse, or social worker who happens to work for a federally funded treatment program to report evidence of child abuse or molestation even if existing State law requires such reporting. We don't think that was the intent, so we correct that in this legislation.

Second, the bill mandates the inclusion of child abuse case statistics in the FBI Uniform Crime Reports. This is long overdue and was recommended by the United States Attorney General's own

Family Violence Task Force. The FBI is already starting to work on that. It is going to take a couple of years to implement it.

Finally, it directs the National Center on Child Abuse and Neglect to use its resources to gather and disseminate information for the benefit of State law enforcement officials. That is important, too. These are much-needed tasks.

While the bill I authored could stand on its own, I am delighted that the three goals included in my bill have been incorporated into the Senate-passed Children's Justice Act authored by the very distinguished Senator from Florida, Senator Paula Hawkins. This bill is being guided through the House under the leadership of you, Mr. Chairman, and with the dedication of its authors, Congressman Gerry Sikorski and Congressman Joseph DioGuardi.

With that, thank you very much. I would like to ask unanimous consent to put my entire statement in the record.

Mr. WILLIAMS. Thank you, Don. Without objection, your statement will be placed in the record.

[The opening statement of Hon. Don Edwards follows:]

OPENING STATEMENT OF HON. DON EDWARDS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, I would like to first extend to you my appreciation for your interest in the issue of child abuse which has culminated in this hearing today. I am pleased to join you as co-chair and I look forward to receiving testimony from our colleagues on the measures currently pending before our committees. I must also commend to you the fine work of the Select Education Subcommittee staff. The expertise they have brought to the measures we will discuss today has resulted in an excellent piece of legislation.

I'm pleased to be able to speak today on my own initiative, the Child Abuse Reporting and Clearinghouse Improvements Act of 1985. My bill is a modest proposal which reflects the findings of California Attorney General John VandeKamp's Commission on the Enforcement of Child Abuse Laws. The Commission's study concluded that there were a number of ways in which reform in federal law could assist states in their efforts to combat child abuse. The legislation I've introduced embodies three of the Commission's recommendations.

First, the bill lifts a prohibition on the reporting of child abuse cases by employees of federally funded drug and alcohol abuse programs. Current law has been read by some to prohibit a doctor, nurse or social worker who happens to work for a federally funded treatment program to report evidence of child abuse or molestation, even if existing state law requires such reporting. I believe that this was not the intent of federal law. My bill will allow these cases to be reported to the proper authorities.

Second, the bill mandates the inclusion of child abuse case statistics in the FBI's Uniform Crime Report (UCR). Murder, rape, robbery and car theft cases are all a part of the UCR, thus providing state and federal officials with statistical data so important to sound policy making. The inclusion of child molestation and abuse cases in the UCR is long overdue and was noted in the recommendations of the U.S. Attorney General's own Family Violence Task Force. It will take several years to make this change, which is one the FBI has already begun planning. In the interim years, until the UCR is modified, we will seek from the Attorney General statistical data on child abuse cases collected by other means.

Third, the bill directs the National Center on Child Abuse and Neglect to use its resources to gather and disseminate information, for the benefit of state law enforcement officials, on methods of investigating and prosecuting child abuse cases. The need for development and sharing of new models for handling sensitive cases such as child abuse is great. My bill will place an increased responsibility upon the Center for performing these much needed tasks.

While this measure stands on its own for consideration here today, I am pleased to say the three goals included in my bill have been incorporated into the Senate-passed Children's Justice Act. Authored by the distinguished Senator Paula Hawkins, the Children's Justice Act is being guided through the House with the leadership of Chairman Williams and the dedication of its authors, Congressman Sikorski and

Congressman DioGuardi. I look forward to continuing my work with my colleagues to ensure the swift passage of this important legislative effort.

I can think of no issue more important than that of child abuse. I believe the federal government can and must play an integral role in assisting the states in their efforts to effectively combat this horrible crime. Our children must be protected and the system must be perfected to accommodate these cases. I am pleased and proud to lend my support to the Children's Justice Act and I welcome the opportunity to receive comments from my colleagues today.

Mr. WILLIAMS. The neglect and misuse and abuse of children is America's dirty little shame and dirty little secret. The Child Abuse Prevention and Treatment Act was signed into law more than 10 years ago. It establishes a National Center on Child Abuse and Neglect within HHS. This center is charged with making grants to States to implement State child abuse and neglect prevention and treatment programs. It also authorizes funds for research, demonstration, and service improvement programs and projects designed to prevent, identify, and treat child abuse and neglect as well as for assisting in the preparation of training materials, data collection activities, and dissemination of information on child abuse and neglect. The act, as you know, also assists States in implementing child abuse programs and activities and provides an important mechanism for coordination of various Federal programs and activities.

Two years ago, a new requirement was added to that decade-old act. That was the so-called Baby Doe provisions.

Today, we face yet another need for change. We have all seen the various news reports of child sexual abuse. This, too, demands an appropriate response from all of us. We must take action to help States create the needed focus for dealing with child sexual abuse within that State. We need to stimulate training of all personnel who are involved in the cases of child sexual abuse. Great sensitivity is, of course, required. Knowledge of human development, of children's developing abilities to interpret and share their experiences, of medical and legal information, and much more will be required. At the same time, we must be careful not to violate any of our principles for determining culpability.

Child abuse is not a simple event. Its occurrence is precipitated by not only characteristics of the abuser but also by conditions of the environment. Because we as a nation have long followed a set of social policies that are intended to maximize the potential of all individuals, this Congress became involved in creating the earlier legislation and now is determined to move as we see additional need.

We are pleased to have on the panel before us, Senator Hawkins, from the State of Florida, and Congressman Sikorski, from the State of Minnesota. Both have sponsored differing legislation which is now beginning to move in the Congress and apparently goes by the name of the Hawkins-Sikorski Act.

Senator, we appreciate you coming over to be with us this morning. We would appreciate hearing your testimony now.

STATEMENT OF HON. PAULA HAWKINS, A U.S. SENATOR FROM THE STATE OF FLORIDA

Senator HAWKINS. Thank you. It's my great honor to work with you. It is a pleasure to address you today. As the chairman of the

Senate Subcommittee on Children, Family, Drugs and Alcoholism, I look forward to working with all of you, and especially this subcommitee, on the reauthorization of ACTION, the Child Abuse Prevention and Treatment Act and the Alcohol and Drug Abuse Prevention programs. We will have a very busy agenda during that time.

The recent publicity regarding molestation of children in daycare centers, by Boy Scout leaders, by choir masters, and others has heightened the public's awareness of this age-old problem. As a society we have finally stopped whispering about this crime and started talking about it, openly acknowledging the problem and addressing it. But the vast majority of the public are still unaware of the almost total lack of justice experienced by these child victims after they have made that cry for help.

How do we as adults justify keeping a 7-year-old child on the witness stand for 16 days in a row? That's exactly what happened in the McMartin Daycare trial in Manhattan Beach, CA. And that wasn't for the trial. That was just for the pretrial procedural determination to consider the child's competency to testify. How can we as adults justify permitting the right of cross-examination to be used not as a means of getting at the truth but instead misused as a means of destroying evidence, the crucial evidence of that little victim's testimony? We just cannot sit back and permit this further abuse and traumatization of children to occur. If we do nothing, if we passively permit this situation to continue, then we are just as much to blame for the trauma and the further abuse that that little child suffers.

Fortunately, as people recognize or become aware of the situation, they are taking action to improve it. On the very first day of this congressional session, I introduced S. 140, the Children's Justice Act. We held a very dramatic and emotional hearing on this bill in May. We favorably reported the bill out of subcommittee in June and the full committee 2 weeks later. The bill passed the full Senate without opposition on August 1 of this year.

Because of the amendments that were added to the original bill, I understand that four separate House subcommittees have either jurisdiction or an interest in this legislation. I do appreciate the chairman's skill at bringing all these committees and interested members together to consider this bill. I know myself how difficult that can be, and I personally thank you on behalf of the little children that can't be here today.

The Children's Justice Act is very simple but it's fair. I am not trying to eliminate any constitutional protections that have been traditionally afforded to the accused. A mother of a sexually abused child testified before my subcommittee, and I will quote her: "We support the defendant's rights. We feel that somebody is innocent until proven guilty. However, we need to balance the scales of justice for the children. They have to be able to tell their story in an atmosphere that is not threatening."

It is not infringing on anyone's constitutional rights to train law enforcement officers in how to investigate and interview the victims of child sexual abuse.

It doesn't destroy our system of justice to coordinate the juvenile, the family court, and criminal court proceedings. We aren't unfair-

ly weighing the scales of justice if we eliminate the archaic and biased rules of evidence that require prior competency of child witnesses or corroboration of charges of child sexual abuse.

What this bill seeks to do is to provide a financial incentive to the States to encourage them to enact procedural, administrative, and statutory reforms to protect children. The bill identifies three very basic categories: reforms designed to reduce the trauma to the child victim; reforms designed to improve legal intervention and successful prosecution; and reforms designed to protect children and break the cycle of abuse.

We do not impose the Federal Government's will upon the States. We will let experts within the State, prosecutors, defense attorneys, child protection workers, police officers, parents, educators, mental health workers, people that know of the deficiencies in the system because they have seen that child fall between the cracks, the children who don't receive protection or justice. We let the experts, the State Multidisciplinary Task Force, decide what reforms are needed in each State.

I don't think that kids should have to wait until they are grown to be believed. They shouldn't have less credibility or fewer rights just because they're kids. This lack of rights, this lack of protection is why they are being preyed upon. Child molestors know these kids are helpless. They can be intimidated into not telling. Even when they summon that tremendous courage to tell someone about the abuse, rarely are they believed. Even if they are lucky enough to have parents, teachers, or friends that believe them, that want to protect them, the fact is that the administrative and legal system is weighted against them from the beginning.

We are here to correct that situation. We need to fight to ensure our children are protected and that those children who are victimized are guaranteed justice.

Mr. Chairman, the House has not been idle on this subject. I compliment the several House committees that have held hearings on this subject. I know that Representative Sikorski chaired field hearings in Minnesota earlier this year and Representative Miller's Select Committee on Children, Family and Youth held hearings on child protection legislation recently.

Representative Edwards' subcommittee staff has been working with Senator Grassley to develop modifications to the provisions which affect the Department of Justice. S. 140 has been held at the Speaker's desk over the last 4 months, and I am hopeful that after your subcommittee has reviewed this issue we can add the suggested House modifications to the bill being held at the Speaker's desk and go to conference over the differences.

Mr. Chairman, before I leave to go back to the Senate, I want to take this opportunity to publicly thank you and Representatives DioGuardi, Sikorski, Edwards, and Miller for their work on this issue. It is a magnificent accomplishment and a great example of working together. I thank each of you.

[The prepared statement of Senator Paula Hawkins follows:]

Prepared Statement of Senator Paula Hawkins

Mr. Chairman, members of the Subcommittee. It is a pleasure to address you here today. As Chairman of the Subcommittee on Children, Family, Drugs and Alcoholism, I look forward to working with you and this Subcommittee on the reauthorization of ACTION, the Child Abuse Prevention and Treatment Act and the Alcohol and Drug Abuse Prevention programs.

The recent publicity regarding molestation of children in daycare centers, by Boy Scout leaders, by choir masters and others has heightened the public's awareness of this age-old problem. As a society we have finally stopped whispering about this crime and started talking about it. Openly acknowledging the problem and addressing it. But the vast majority of the public are still unaware of the almost total lack of justice experienced by these child victims after they have made that cry for help.

We are shocked to learn of the additional ordeal that our legal system imposes on these victims. In Minnesota, charges against 14 parents accused of sexually abusing dozens of children were dismissed after the first set of parents were acquitted. And

people assume that the children were lying, that no abuse took place, but what is ignored or forgotten is the fact that there was physical evidence of the abuse? Somebody abused and sexual exploited those children. Maybe it wasn't the parents. I don't know, but the fact that all the charges were dropped, that no action is planned to determine who was the molester is a stinging indictment of our criminal justice system.

In California, over 120 counts of rape, sodomy and sexual abuse were dismissed by the Judge, because parents were not willing to put their children through that kind of emotional trauma.

Needed and necessary treatment and counseling programs are being withheld from the molested child out of fear that the counseling will be construed as "coaching" of the child prior to trial.

How do we justify keeping a seven year old child on the witness stand for sixteen days in a row. That's what happened in the McMartin Day Care trial in Manhattan Beach California. And that wasn't for the trial, but just for the pre-trial procedural determinations to consider the child's competancy to testify?

How can we justify permitting the the right of cross examination to be used not as a means of getting at the truth but instead misused as a means of destroying evidence, the crucial evidence of that victim's testimony?

We can't just sit back and permit this further abuse and traumatization of children to occur. If we do nothing, if we passively permit tnis situation to continue, then we are just as much to blame for the trauma and further abuse that that child suffers.

Fortunately, as people recognize and become aware of this situation they are taking action to improve it. On the first day of this Congressional session, I introduced S.140, the Children's Justice Act. We held a very dramatic and emotional hearing on this bill in May, favorably reported the bill out of Subcommittee in June and full Committee two weeks later. The bill passed the full Senate without opposition on August 1st of this year.

Because of the amendments that were added to my original bill, I understand that four separate House Committees have either jurisdiction or an interest in this legislation. I appreciate the Chairman's skill at bringing all these Committees and interested members together to consider this bill. I know how difficult that can be and I thank you..

The Children's Justice Act is very simple, but it is fair. I am not trying to eliminate any Constitutional protections that have been traditionally afforded to the accused. As the mother of a sexually abused child testified before my Subcommittee:

We support the defendant's rights. We feel that somebody is innocent until proven guilty. However we have to balance the scales of justice for the children. They have to be able to tell their story in an atmosphere that is not threatening.

It is not infringing on anyone's Constitutional rights to train law enforcement officers in how to investigate and interview the victims of child sexual abuse.

It doesn't destroy our system of justice to coordinate the juvenile, family court and criminal court proceedings,

We aren't unfairly weighing the scales of justice if we eliminate the archaic and biased rules of evidence that require prior competancy of child witnesses or corroboration of charges of child sexual abuse.

What this bill seeks to do is provide a financial incentive to the States to encourage them to enact procedural, administrative and statutory reforms to protect children. The bill identifies three very basic categories.

Reforms designed to reduce the trauma to the child victim,
Reforms designed to improve legal intervention and successful prosecution and
Reforms designed to protect children and break the cycle of abuse.

We don't impose the federal government's will upon the States, we let experts within the State, prosecutors, defense attorneys, child protection workers, police officers, parents, educators, mental health workers, people that know of the deficiencies in the system because they have seen the children that fall between the cracks, the children who don't receive protection or justice. We let these experts, this State Multi-disciplinary Task Force decide what reforms are needed in their state.

Florida may decide closed circuit television is necessary. California may decide its treatment programs for the abuser. while Louisiana decides to concentrate on treatment programs for the victim, Nebraska may decide that the most pressing need is to get the accused abuser out of the home, and Rhode Island may decide what is needed is a court appointed special advocate to guide victims through the court proceedings.
But no state is perfect and each State can and should act to improve their response to the victims of child molestation.

A victim of sexual abuse wrote to me shortly after his ordeal of testifying in court. He wrote:

" I wanted to tell you about how terrible it is in those courtrooms, because I want you to make it better in there

for other kids. And I wanted to thank you for telling people about going to court when you were a little girl.

Even though they didn't believe you then, you turned out pretty good and that's important.
But I have to tell you that I think the court has gotten worse since then, even when you were a kid, because now they have more lawyers. But now that you are an important person, people believe you when you tell them what it is like, and maybe all of us grow up to be important, someday they will believe us, too."

I don't think these kids should have to wait until they are grown to be believed. They shouldn't have less credibility or less rights just because they are kids. This lack of rights, this lack of protection is why they are being preyed upon. Child molesters know that these kids are helpless, that they can be intimidated into not telling, and even when they summon the courage to tell, rarely are they believed. And even if they are lucky enough to have parents, teachers or friends that believe them, that want to protect them, the fact is that the administrative and legal system is weighed against them.

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Mr. Chairman, the House has not been idle on this subject. Several House Committees have held hearings on this subject. I know that Representative Sikorski chaired field hearings in Minnesota earlier this year and Representative Miller's Select Committee on Children, Family and Youth held hearings on child protection legislation recently.

Representative Edward's Subcommittee staff has been working with Senator Grassely to develop modifications to the provisions which affect the Department of Justice. S.140 has been held at the Speakers desk over the last four months and I am hopeful that after your Subcommittee has reviewed this issue, that we can add the suggested House modifications to the bill being held at the Speaker's desk and go to Conference over the differences.

Mr. Chairman, before I leave, I want to take this opportunity to publicly thank you and Represenatives DioGuardi , Sikorski, Edwards, and Miller for their work on this issue. Thank you.

Mr. WILLIAMS. Senator, I know you have to return to the Senate. Before you do, let me see if any of my colleagues have questions that they wish to ask you.

Mr. SENSENBRENNER. I notice in this bill that there is a separate authorization of $12 million. Since it appears that the Gramm-Rudman proposal is going to be on the President's desk within the next 24 hours, I think that it is unlikely you will see assent to funding this proposal even if it should pass. What would be your position on taking the $12 million out of an existing program such as the victim's compensation fund in order to fund this piece of legislation?

Senator HAWKINS. I would oppose that. I think the victims of crime need the money already. The victims are women and children in America, if you want to talk about that.

In action in the Senate last week, we restored the funds for child nutrition programs. We took H.R. 7 out of Agriculture and made it stand on its own so it wouldn't get tangled up in Ag, just for those little kids to have lunch. I certainly am going to fight, and I will have a great fight with the President—it won't be the first time—and see if we can't get this money back. We have a different order of priorities in the Senate right now, and I am trading heavily on that while we have children on the calendar of priorities. We have never had children on our priorities before.

Mr. SENSENBRENNER. If S. 140 is to come up, it has got to come up by unanimous consent. In other words, one Representative's objection will keep it at the Speaker's desk for an unknown fate. Now, if in a flurry of budget cutting, the House overwhelmingly passes today or tomorrow the Gramm-Rudman proposal, don't you think that somebody would like to tweak our nose by objecting to taking S. 140 up and then you get nothing?

Senator HAWKINS. I wouldn't want to be scared 1 second into not trying. I certainly would do it and make them vote against children.

Mr. SENSENBRENNER. I don't intend to object, but I know that there are a few folks in the House of Representatives that would object. I have been one that believes that politics is the art of the possible. There is too much posing for holy pictures around here and not enough accomplishments.

Senator HAWKINS. Absolutely.

Mr. SENSENBRENNER. I am sure that all of our constituents levy that criticism against us.

I guess I would have one final comment. Perhaps the way to fund this thing is to raise the cap for the victims compensation fund by $10 million. Would you oppose that?

Senator HAWKINS. No, I would not——

Mr. SENSENBRENNER. OK.

Senator HAWKINS [continuing]. As long as it's earmarked for this program.

Mr. SENSENBRENNER. I thank the gentleman for recognizing me.

Mr. WILLIAMS. Thank you, Mr. Sensenbrenner.

Are there any other questions?

Senator, thank you very much.

Senator HAWKINS. Thank you.

Mr. WILLIAMS. We appreciate your being with us.

Senator HAWKINS. I am very proud to work with all of you. God bless.

Mr. WILLIAMS. Joining Congressman Sikorski earlier was Congressman DioGuardi. Now joining us is Congressman Miller. Gerry, we will begin with your statement.

STATEMENT OF HON. GERRY SIKORSKI, A U.S. REPRESENTATIVE FROM THE STATE OF MINNESOTA

Mr. SIKORSKI. I thank you. I thank both Chairman Williams and Chairman Edwards for holding this joint hearing and working so constructively for a solution to this crisis.

As a father, lawyer, and Representative from the youngest congressional district in the Nation, I share your concern about the crisis in child sexual abuse.

We have seen all the statistics and clearly we need to act. Chairman Miller and the Select Committee on Children, Youth and Families, which I am proud to be a part of, have helped focused our attention.

Over the last couple of years, national attention has unfavorably focused on Minnesota as well because of the Scott County sexual abuse cases. I held a statewide hearing almost a year ago. We heard from experts from the judicial, legal, and psychological professions and from victims themselves. Their testimony clearly indicated that the journey for the child through the investigation and litigation process is an ordeal often surpassed, by the abuse itself.

You have to imagine the experience of a 4, 5, or 6 year old who is caught up in the investigation and litigation process: Adults speaking adult language; lawyers, judges and psychologists acting like lawyers; judges and psychologists in procedures and in surroundings that are purposely made intimidating even to the most hardened and callous adult. Our legal system was designed by adults for adults and is ill-equipped to deal with the special and sometimes delicate needs of children. Studies have shown that the extent of emotional damage to the children is as much dependent upon what happens after the abuse as the actual incident itself.

This hearing I held and the activities of the Select Committee on Children, Youth and Families, made me especially aware of the shortcomings of our legal system when it involves children. I began working closely with Senator Paula Hawkins and Representative DioGuardi. Senator Hawkins has long been in the forefront of this fight. In fact, she sometimes was the only person who was willing to make it an issue.

We felt that the States needed greater encouragement to deal with the increasing problems of child abuse, the perpetrators and the victims. In April of this year I introduced a House companion bill to Senator Hawkins'. She helped me in that effort. The legislation, as she said, does not mandate any particular reform. Rather, it serves as an umbrella under which many types of reforms can and should be considered by the States and then shared between them. It encourages States to look at their own existing systems and make improvements where they deem appropriate. It supports reforms which would reduce trauma to the child and enhance the

chances of successful prosecution and, third, protect children from further sexual abuse.

In July, I joined with Representative DioGuardi, and we developed a strong bipartisan combination of the child abuse prevention bills, none too dissimilar, pending in the House. I commend him for his real concern and the excellent spirit of cooperation he has shown in this process and the dedication to solving the problem. Following some months of good work on the part of members and of the staff of at least four committees—these two subcommittees, the Subcommittee on Health and Environment, and the Select Committee on Children, Youth and Families—I introduced H.R. 3858, which includes the changes recommended by the staff and the subcommittees.

This latest proposal incorporates the Hawkins and Sikorski, Edwards, Miller, and DioGuardi bills and staff recommendations from these two subcommittees, Health and Environment and the Select Committee, into one unified bipartisan effort to pass the Children's Justice Act.

In respect to the time and the fact that the summary will be in the record, let me just conclude with the comment of Bob Keeshan, who is an advisor to CBS, and is otherwise known as Captain Kangaroo. When he talked about children recently, he said: "This is a society which places children up there with Mom and apple pie. Unfortunately, we don't eat all that much apple pie, one in two moms are divorced, and we act in a very strange way for a society that says it loves children."

Today, as we talk about protecting kids in sexual abuse legal proceedings, we have to remember that we are dealing with children who have been victimized once. It is our responsibility both to the system of justice and the concept of justice and the future of our children to see that they are not victimized again. When the case is closed and the courtroom quiet, the judges and lawyers, the reporters, and the spectators walk away. But the children bear the scars from the ordeal for the rest of their lives. It is simply our duty to find the most judicious and expeditious way to punish the perpetrator, protect the victim and the accused, and provide an environment that will shelter them from further hurt. This proposal moves toward doing that.

I thank you once again for this opportunity and thank all the members of the Education Subcommittee and the Judiciary Subcommittee for their efforts.

[Statement of Hon. Gerry Sikorski follows:]

Prepared Statement of Hon. Gerry Sikorski, a Representative in Congress From the State of Minnesota

I'd like to thank Chairmen Pat Williams and Don Edwards for holding this joint hearing. As a father, a lawyer, and a legislator representing the youngest district in the country, I share your concern about the crisis in child sexual abuse.

We've all seen the statistics: over 123,000 cases reported in 1984, and studies showing that before the age of 18, almost 1 in 4 girls and 1 in 11 boys will be victims of sexual abuse. There is now evidence that even these figures may be understated. A recent study reported that in two of three cases the child never reports the abuse at all. Children are abused in day care centers and schools, homes and neighborhoods.

Clearly, we need to act, and Chairman Miller and the Select Committee on Children, Youth & Families has helped focus our attention.

Over the last two years, national attention was also focused on Minnesota because of the Scott County sexual abuse cases. I held a statewide hearing almost a year ago, and we heard from experts in the judicial, legal and psychological professions, and from victims themselves.

Their testimony clearly indicated that the journey by the child victim through the legal system is an ordeal surpassed only by the abuse itself. They told of the trauma of a six year old girl who had been rendered mute while on the stand by the sight of a man who had brutally molested her. Later she said "I saw him looking at me and I thought he was going to come get me and hurt me again". They told of the harrassment experienced by a 10 year old boy who had to go through 16 days of grueling testimony.

Imagine the experience of a 4 or 5 or 6 year old who is caught up in the investigation and litigation process: adults speaking adult language. Lawyers, judges and psychologists acting like lawyers, judges and psychologists in procedures and scenery purposefully made intimidating even to adults. Our legal system was designed by adults for the use of adults, and is ill-equipped to deal with the special and delicate needs of children. Studies have shown that the extent of emotional damage to these children is as much dependent on what occurs after the abuse as from the actual incident itself.

This hearing, and the work of the Select Committee on Children, Youth and Families, made me acutely aware of the shortcomings of our legal system when it involves abused children. I began working closely with Senator Paula Hawkins, who has long been in the forefront of this issue; and we both felt that states needed greater encouragement to deal with the increasing problem of child abuse, the perpetrators and the victims. In April of this year, Senator Hawkins and I announced the introduction of a House companion to her Child Justice Act - which passed the Senate on August 1,1985.

This legislation does not mandate particular reforms; rather it serves as an umbrella under which many types of reforms can and should be considered by the states. It encourages states to look at their own existing systems and make improvements where they deem appropriate. It supports reforms which would reduce trauma to the child, enhance the chances of successful prosecution of child molesters, and protect children from further sexual abuse.

In July, I joined my bill with Representative DioGuardi's and we developed a strong bi-partisan combination of the different child abuse prevention bills then in the House. I commend him for his concern and the spirit of cooperation he has shown through this process. Following some months of good work on the part of members and staff of at least four committees -- these two and my Health and the Environment subcommittee and the Select Committee, I introduced HR 3858, which includes the changes recommended by the subcommittees.

This latest proposal incorporates the Hawkins, Sikorski, Edwards, Miller and DioGuardi bills and staff recommendations into one unified, bipartisan effort to pass the Children's Justice Act.

It offers incentives to states to deal with the problem without superceding the provisions of the current Child Protection Act. Because accurate national statistics are a crucial component in the fight against child sexual abuse, the proposal also asks the FBI to start including specific statistics on child sexual abuse in its Uniform Crime Reporting system.

The $12 million expenditure authorized by this bill, if approved, would not be made until a year after final passage. This would give states time to decide how best to use the grants and us a chance to fine tooth our spending to get our priorities straight. While any expenditure today has to be closely scrutinized, and increased expenditures in an arguably new program even more so, this $12 million is nominal in light of the 1.5 million child abuse victims this year. In fact, enough money to fund the Act for 40 years, according to the GAO's review of the Grace Commission's recommendations, could be saved just by eliminating unnecessary telecommunication equipment and reducing multi-line phone systems throughout federal government.

Some in the Administration don't like our proposal; it costs some money. Child abuse certainly does, and I can only answer that it is a matter of priorities. With a 650% increase in reports of child sexual abuse since 1976, with state and local service agencies desperately understaffed and overworked, and with 80% of the respondents of a recent survey saying they think current laws against child abuse are inadequate, the case is clear.

We need to be reminded of comments made by Bob Keeshon, otherwise known as Captain Kangaroo, concerning children. He said, "This is a society which places children up there with Mom and apple pie. Unfortunately, we don't eat all that much apple pie, 1 in 2 moms are divorced, and we act in a very strange way for a society that says it loves children."

Today, as we talk about protecting the child in sexual abuse legal procedings, we must not forget that we are dealing with children who have already been victimized once. It is our responsibility to justice and to the future of our children to see that they are not victimized again. When the case is closed and the courtroom quiet, the lawyers, reporters, judges and spectators can walk away. But the children bear scars for the rest of their lives. It is our duty to find the most judicious and expeditious way to punish the perpetrator, protect the victim and provide an environment that will shelter them from further hurt. This proposal does that.

I thank the chairs of the subcommittees for holding this hearing and the members for their hard work and concern. I look forward to working with you to get this important legislation passed.

SUMMARY
HAWKINS/SIKORSKI CHILDREN'S JUSTICE ACT

SECTION 1. Short Title.

"Children's Justice Act"

SECTION 2. Children's Justice Grant

Amends the Child Abuse Prevention and Treatment Act of 1974 to authorize HHS to make additional grants to states for identification, treatment, and prevention of sexual abuse.

To qualify for funding, states must: 1) fulfill all existing requirements for funding under the Act, and 2) establish a multidisciplinary task force to make recommendations and follow those recommendations.

SECTION 3. National Center on Child Abuse and Neglect

Directs the Center to: step up their information gathering efforts and make the information available to states, develop and disseminate model training materials for law enforcement and child welfare personnel, and conduct research on child abuse prevention. The Center will report to Congress after two years the results of their efforts.

SECTION 4. Authorizations of Appropriations

$12,000,000 for fiscal year 1987.

SECTION 5. Coordination of Federal Programs

Recommends that the U.S. Attorney General, the Secretary of HHS, and the head of any federal agency involved in child abuse prevention meet every 6 months to coordinate their efforts and avoid duplication. (Current law already calls for this coordination.)

SECTION 6. Acquisition of Statistical Data

From 1986-88, requires the Attorney General to gather all information on child abuse available from criminal justice agencies. Then, starting in 1989, requires FBI to include child sexual abuse statistics in their Uniform Crime Reporting statistics.

SECTION 7. Amendment to Public Health Service Act

Changes current law which prohibits reporting of child abuse cases by employees of federally funded drug and alcohol abuse treatment programs.

Mr. WILLIAMS. And our thanks to you, Gerry, for your leadership here in the House on what is obviously a very important issue to you and a critical issue to this Nation.

Congressman DioGuardi.

STATEMENT OF HON. JOSEPH DioGUARDI, A U.S. REPRESENTATIVE FROM THE STATE OF NEW YORK

Mr. DIOGUARDI. Thank you, Chairman Williams and Chairman Edwards, for this opportunity to talk about this most critical issue.

I am a new Congressman. I came here in January. I never ran for anything in my life before I ran for Congress. I was a certified public accountant for 22 years, so I am particularly interested in the questions that were raised by Congressman Sensenbrenner about the money. Maybe I ought to devote some time, although I wasn't prepared to do it—but since that question was raised—about the way we account for things around here.

When I came here in January, I won as a Republican conservative in a Democratic district, so it is quite unusual. I hope to keep that seat. It is going to be tough. But I came here as a fiscal conservative. When the pressure was on to raise the military budget by 13 percent and emasculate domestic programs, I stood firm in January saying: No, no, we're going to freeze the military budget, maybe in real dollars, and freeze the domestic budget in nominal dollars.

I committed to myself as one of my priorities the youth of this Nation. I spent many years on the board of the Phoenix House dealing with the youth of this country, on drug problems. My own district in Westchester County has one of the highest incidences of youth suicide in the country, one of the most affluent districts. I have got legislation pending on that. I have decided to make this issue of child abuse a major issue for me. There are horrible stories going on in New York City and in my district as well.

I challenge you to think about not holding the youth of this country hostage to the budget crisis. It's not their problem. We have got to learn to set priorities. Sure, we have to balance the books, and I want to be the first to do it. But when you look at the way we account for things around here, the Mickey Mouse accounting system that doesn't give Congressmen these basic data they need to make decisions.

I will give you one example. Yesterday I held a press conference with Senator D'Amato, a bill that I have proposed that he become a Senate sponsor on, to somehow get back $41 billion from the Pentagon. And I am for a strong defense but not a spendthrift defense. But you know what? Remember months ago, when Cap Weinberger volunteered under pressure he had found $4 billion and was happy to run to Congress with it? Well, I asked the Comptroller General, how is it that we can have an accounting system where $4 billion could just pop up like that?

Well, Senator D'Amato then calls an investigation. Do you know what the real number was? It was $41 billion. So, the issue is not taking it from one program to another. The issue is finding out how we are spending our money, getting under these numbers. The

money is there. We have to find ways to get to that money and put it where it belongs and set the right priorities.

I have a rather lengthy statement because this is an issue that I have been working on a long time. I am pleased that Congressman Sikorski has done so much good work out of the Midwest, and I join with him and Senator Hawkins. I am going to submit this lengthy statement to the record for you. I have worked on it personally now for months because we have got some of the most horrible incidents of child abuse in my own district, a very affluent district, with severe poverty in cities like Mount Vernon. I would like to just cover some short statements in the meantime and take your questions.

If you look at the history of our Federal Government, you will see that many of the first laws enacted by Congress to promote desirable social changes were designed to protect the rights of children and prevent their exploitation. Today I hope to affirm our commitment to America's children with this bill, Gerry.

The first responsibility of Congress is to set our national priorities. These priorities are reflected by the laws we enact. Unfortunately, while much has been done in recent years in the area of child abuse, the protection of our children from sexual abuse does not appear to be high on Congress' priority list. Not only is this a national tragedy, it's a national disgrace. The recent increase in the reporting of child sexual abuse cases is only the tip of the iceberg. America is failing in its responsibility to the child victims and in meting out justice to child sexual molesters.

Nothing makes this growing problem more clear than when it occurs in your own community. This year in my own congressional district in the city of Mount Vernon, the operators of a daycare center were accused of sexually abusing children for profit and charged with several counts of rape and sodomy. Children were allegedly held down by the operator while an employee raped them and photographs were taken. It's almost incredible to even talk about the details of what's going on out there. Certainly if these allegations are true, these people should be dealt with in a very, very serious way.

In addition, several young children in my district have fallen victim to AIDS and venereal disease as a result of this kind of sexual abuse.

While many people may think that the act of child sexual abuse is an abomination, they might be shocked even more if they knew of the tortuous process child sexual abuse victims are forced to endure in order to see their molester brought to justice. It is estimated that less than 10 percent of all individuals accused of child sexual abuse are convicted. Of those that are convicted, less than 5 percent ever serve any time for these offenses. This is just a disgrace. For many parents, the choice of pursuing the prosecution of a child molester becomes a choice between justice or preventing further trauma for their child. This choice leaves our entire society as losers, certainly the children.

I believe that we in Congress should say that enough is enough and give our child sexual abuse victims a second lease on life. That is why Congressman Gerry Sikorski and I, in a bipartisan effort, have introduced H.R. 2999, the House version of Senator Hawkins'

Children's Justice Act. This bill would set three national priorities for the handling of child sexual abuse cases. First, it would call for procedures that ease the trauma of the child victim. The second priority is to increase the chances of successfully prosecuting child molesters. Finally, it calls for reforms that will help to prevent further child sexual abuse cases.

Since the vast majority of child sexual abuse cases are handled on the State level, our bill provides grants to States that enact reforms that meet the priority goals that I have named. Although funding will come from the Federal level—and not that much—States are encouraged to enact programs that will best meet the needs of each individual State.

So, what we are talking about here is not just a federally funded program. What we want here a sparkplug, something that is going to attract money from the private sector and local communities. I see the Federal Government playing that role more and more, seed money and technical resources so that we can deal with these problems. We don't have to be the court of last resort when it comes to money, but we can start here in cases of this kind of priority; or we should have this kind of priority.

While many individuals are concerned over the spending authorization in this bill, I believe that $12 million, authorized for fiscal year 1987, is a small, indeed small price to pay for the protection of our children, the very future of this country.

It is my belief that passage of this legislation will result in action on the State level that will go a long way toward reducing child sexual abuse in our Nation, showing that we truly care about the lives of our children. After all, what else is there in society when you look to the future?

Thank you very much for this opportunity. I appreciate it, Chairman Williams and Chairman Edwards.

[The prepared statement of Hon. Joseph J. DioGuardi follows:]

Prepared Statement of Hon. Joseph J. DioGuardi, a Representative in Congress From the State of New York

INTRODUCTION

Chairman Williams, Chairman Edwards, and Members of the Committee, thank you for the opportunity to present testimony before Your committees on the pressing problem of child abuse in our nation. Child sexual abuse is one of the most abominable and atrocious crimes in today's society. According to David Finkelhor, a Ph.D, Associate Director of Family Violent Research Program University of New Hampshire, by their eighteenth birthday, one in four females and one in ten males will be sexually abused.

Not only does child abuse victimize the most vulnerable, defenseless members of our society--our children, who symbolize our future--but also, reported incidents of child abuse have escalated astronomically within the past decade. According to data collected by the American Humane Association, the number of children reported as sexually maltreated has increased 1000% from 1976 to 1983. Also, the National Committee for Prevention of Child Abuse states that 2000-5000 children die each year as a direct result of abuse and neglect and over 1.5 million are abused each year. It is the tendency for American people to respond to such data and the publicity of child abuse horror stories by disclaiming that child abuse occurs in their community. However, child abuse is a personal, individual crime with national moral, economic and social repercussions that cross all racial, ethnic, and economic boundaries. In my own district, parents have recently filed a $275 million civil lawsuit on behalf of eight children who were allegedly sexually abused at a Mount Vernon day care center, charging that the center's operators molested the children for profit. On July 19 of this

year the center owner and three other employees were indicted on charges of rape, sodomy, sexual abuse and endangering the welfare of a minor. The operator of the day care center was charged with six counts of rape for reportedly holding down the children while an employee allegedly raped them. The children also claimed that photographs were taken. As a result of the abuse, the children, all under the age of 14, suffered severe and permanent personal injuries, including physical, mental and emotional damage. The parents have had to pay for medical care as their families are emotionally and psychologically being destroyed. This incident in my own district, which is relatively affluent, is proof that child sexual abuse knows no economic boundaries. Child sexual abuse can no longer be ignored as someone else's problem; it is a problem facing every American today.

Three Problems

There are three major problems associated with child sexual abuse, which are particularly endemic to the nature of the crime. First, the fact that many cases go unreported because disclosure is rare. Secondly, once the case is reported, the criminal justice system often revictimizes the abused child as a result of administrative and judicial shortcomings, and a lack of viable alternatives for dealing with the abuser. Third, child abuse is not an isolated crime, but a social malaise that has long term effects on the victim and future generations.

The extent and proportions of child sexual abuse is grossly under reported. Supposedly, for every case reported, five more incidents go unreported. There are many reasons child abuse is

not reported. First it must be disclosed, and intrinsic to the nature of child abuse is the shroud of secrecy and the young age of the victims. Infants are inc-pable of seeking outside help and most abused children are intimidated, helpless, and blame themselves for what has happened. Therefore, they feel guilty and embarrassed for being accomplices rather than a victim. Many victims fear the consequences that their abuser would suffer if revealed. The victim may also have mixed love/hate relationship with the molester. The victims may also fear that they are responsible for breaking up the family and sending "Daddy" away. Many offenders and victims become manipulative--using blackmail, bribes, or "favors" to get and keep control of the situation. For instance, a young girl, who is sexually abused by her father and is unaware that the nature of her relationship with her father does not follow social norms, may use the relationship to gain favored treatment by her father over other siblings in the family.

In addition, victims often wait too long to confide in anyone. A common phenomenon with disclosure is retraction of the disclosure by the child because she is psychologically confused. Furthermore, even though reporting laws have been in existence for over twenty years, to date no professional has been convicted of willfully failing to comply with reporting procedures. Under-reporting also occurs because of scare tactics used by the abuser to illicit fear in the child if their secret is discovered. A perfect example, is the McMartin Preschool molestation case, the country's most publicized case of abuse, which has been pending

in the California criminal justice system for over a year. Mass molestation went on for at least a decade. More than 100 children at the private school were fondled, sodomized, and raped, and even possibly hired out for pornography and prostitution. No one understands why the children did not tell. Allegedly, the children were forced to witness the slaughter of animals and were warned that the same thing would happen to them or their families if they told anyone what went on in school. The children were also made to feel guilty; to feel as if they were accomplices to a lewd crime, rather than victims of a lascivious tragedy.

Lastly, in many States, the statute of limitations is often too short for sexual abuse crimes. Disclosure may occur many years after the abuse took place, when the child is older and is able to seek outside help independently. If the time period allowed by the statute of limitations has expired, the victim will be precluded from seeking legal redress.

CHILD TRAUMA

The second problem I would like to address is the trauma the child victim undergoes and how the administrative and criminal justice system exacerbates the trauma of the child victim while simultaneously decreasing the likelihood of effectively dealing with the abuser. Aside from obvious physical injury to the victim, child sexual abuse causes many short term psychological effects on children. Such effects range from apathy, learning disorders, depression, mental torment, a sense of low self-esteem, the inability to enjoy themselves in

play, withdrawal from their peers, and apprehension over trusting adults. Later, the social maladjustments can manifest themselves in aggressive behavior and in many instances, delinquency, prostitution, alcoholism, drug abuse and running away are the final result. alcoholics, and drug abusers. Moreover, children who are abused are often abused later in life by their spouses due to the nature of personal relationships that they seek. The converse is also true: children who are sexually abused or who witness this behavior in their family often abuse their own children.

THE JUDICIAL PROCESS

Perhaps the most traumatic period for the child is when the abuse is first reported. A child's life is suddenly interrupted by a number of professionals from police to social workers. Repeated interviews are given where family members question the child and may even attempt to dissuade the child from telling the truth. The resulting family turmoil is often blamed on the child and ironically, and children are often removed from the familiar setting of their home for their protection instead of removing the offender. This isolation may contribute to the child's feelings of depression and of being punished.

Another problem is that not all the professionals involved with the child victim communicate with each other, which causes undue delay in helping the victim. Medical exams are often incomplete and insensitively performed in a hospital emergency room where the child victim may wait for hours. The child

and family are often bounced from agency to agency--from law enforcement to protective social service--to the hospital--to therapy--through the juvenile court system--to the District Attorney's office--and so forth.

After the initial investigation procedures, many cases of reported child abuse are referred to the criminal justice system. The victim and family's involvement in the criminal justice system can be beneficial and even therapeutic or cathartic for the victim. However, more often than not, administrative and judicial processes revictimize and compound the trauma and embarrassment of the child. The judicial proceedings may in fact cause more damage than the initial crime itself.

To begin with, a child sexual abuse case is handled by two different courts--juvenile and criminal. Judgments by both of these courts may conflict insofar as the best interests of the child are concerned. The child may come into continued contact with the offending parent and may be faced with the restructuring of the family resulting from the sentencing of the offending parent to long periods of incarceration. Essentially, the adversarial system and the nature of the child abuse situation--where the child is usually the only witness to the crime--may make it difficult to successfully prosecute, placing an onerous burden on the child victim.

The child must suffer through repeated interviews, police interrogation, facing the accused again, and the trial itself. This is stressful for most adults; it is especially stressful for a child. Children presumably are more vulnerable

to psychological trauma than adults and since the child is often the only witness, he/she must provide testimony in some fashion.

A child's competency to testify may be questioned; children are cognitively and emotionally immature--they often confuse fantasy and reality. However, statistics show that no more than 2 to 3 children per thousand have ever been found to exaggerate, lie or invent claims of sexual molestation. [Robert W. ten Bensel, "Child Neglect and Abuse", in Juvenile and Family Court Journal, Winter 1984-1985/Vol. 35 No.4, p. 31] Children rarely will lie about child sexual abuse because they do not have enough knowledge about sexual matters to lie about them in such explicit detail.

The child must also undergo cross examination. Cross examination, often tough and sustained, is the criminal justice system's usual remedy for the weaknesses of a witness' testimony. In sexual molestation cases, however, the usual sort of cross examination may not expose the truth, but rather, weaknesses in a child's strength. The searching, demanding, and perhaps harsh questioning of the cross examiner might only further confuse the child and alter his or her memories and perceptions. Moreover, the frightened mind of an abused child is no match for the trained mind of a defense attorney. If a child is asked leading questions, the answers to which have pleasant connotations, the child becomes more vulnerable to the defense attorney's manipulation. Also, getting a child to tell you about sexual assault is very difficult, especially while being confronted by the abuser, a jury, and possibly the press. Having told, a child may feel so anxious, guilty and fearful that they may retract the

statement. Moreover, it might be difficult to convict the offender without any corroborating evidence or other evidence that was excluded because it was considered hearsay. The result is that few child molesters are ever convicted.

According to a study of the processing of child sexual abuse cases done by the Special Unit of the Child Protection Center(CPC-SU) in Washington D.C. during 1978-79, where a case has actually progressed far enough through the administrative system to be forwarded for prosecution, the odds are less than one in three that the offender will be convicted. [Carl M. Rogers, M.D. "Child Sexual Abuse and the Courts: Preliminary Findings", 1982] Also, based on national data, only 20 per cent of reported and substantiated cases are referred for court action. [Larry Brown and Jules Riley in "Child Abuse and Neglect", Juvenile and Family Court Journal, Winter 1984-1985, p. 48.]

PROTECTING CHILDREN FROM FURTHER ABUSE

The third issue I would like to address is the need to protect children from further abuse. More time, effort, and money must be put into the treatment and the prevention of child abuse. The tragedy of a child sexual abuse incident goes beyond the pain of a single episode. The short term costs of human suffering are obvious, but the long term economic, social, and moral cost are threefold: child sexual abuse places a toll on the child, the family, and society. Presently, the economic costs are staggering.

Each case costs society $10,000 merely to investigate the case and to treat the child in the short-term. Long-term

psychological treatment and social services can bring the cost of each case up to $50,000 per year. [Robert W. ten Bensel, in "Child Abuse and Neglect", Juvenile and Family Court Journal, Winter 1984-1985, p. 2.] This estimate does not even include the cost of legal services.

Aside from economic costs, there are other costs to society. To begin with the criminal justice system rarely deals effectively with a convicted offender. The system will usually send the molester to jail, where sex offenders are likely to be beaten, raped, or sometimes murdered by other convicts and most prisons do not offer sufficient therapy. Therefore recidivism rates for sexual abusers are high. Moreover, if the offender is a parent and is sent to jail, the child victim will still lack a healthy family environment and may suffer continued guilt for breaking up the family.

The nature of child abuse is more of a psychological disease than a crime. Abused children suffer a wide variety of developmental, emotional and physical difficulties. Many become juvenile delinquents, teenage runaways, drug addicts, or teenage prostitutes. Each time this happens, society must pay. Delinquent behavior and abuse arise from the same socially and psychologically impaired environment. Child sexual abuse takes on a cyclical nature because violence in one generation can breed violence in the next. Abused children learn to accept violence as an acceptable way to treat one another. The interference with psychological maturation during the critical development of a child leads victims to have a high

tendency toward sexually transgressing against others. According to Dr. Nicholas Groth, director of Sex Offender Program, Somers State Prison, more than 80% of sex offenders were sexually victimized during their formative years.(Testimony, Hearing before the Subcommittee on Juvenile Justice on October 19, 1983, S.Hrg. 98-596, p. 18).

Also, Kee McKarlane in her testimony in the Hearings on S. 140 (the Senate version of this bill) on May 2nd, pointed out that the victim of child molestation may become a molester before reaching adulthood. Ms. McKarlane is presently dealing with some children under the age of 12 who have molested three 4 year olds. One of the victims, only 16 months old, almost needed to be surgically stitched together after receiving oral sex from two girls and a boy under the age of ten, is 16 months old. Evidently, some abused children feel powerful and gain a sense of control that they did not have at the hands of their abuser. Abused children who have become abusers claim that nightmares that started when they were abused stopped when they began abusing other children.

The transmission of child sexual abuse through the generations is intolerable. Today's child sexual abuse victims could very well be tomorrow's abusers/murderers. The cycle of child sexual abuse must be broken in order to preserve the traditional family; the foundation upon which our society is built. While I am not a professional on the issue of child sexual abuse, one does not need to be an expert to realize that child sexual abuse is a national problem which needs to be addressed by a responsible Federal Government. Fortunately,

increased public awareness of child sexual abuse has created an atmosphere in which reform can be implemented.

H.R. 2999, A BIPARTISAN EFFORT

Congressman Gerry Sikorski and I have introduced the Children's Justice Act, a bipartisan bill, originally introduced by Senator Hawkins in the Senate, and unanimously reported out of both the Subcommittee on Children, Family, Drugs and Alcoholism and the full Senate Labor and Human Resources Committee, and finally approved by the full Senate in August.

Although I believe that child sexual abuse reforms are best enacted on the local level, I do not believe that the Federal Government should be absolved of its responsibility of setting national priorities. Many states have enacted reforms, but they have not gone far enough and the need still exists for a national policy to be implemented consistently in all the States. The Federal Government should and can provide the necessary funding available and guidelines for coordinating efforts for child sexual abuse prevention.

GOALS OF THE CHILDREN'S JUSTICE ACT

Our bill will amend the Child Abuse Amendments of 1984 by encouraging States to enact child protection reforms which are designed to improve legal and administrative proceedings regarding the investigation and prosecution of child sexual abuse cases. The Act provides a financial incentive of $12 million for each FY 1987 and FY 1988 for the States to pass legislative, judicial, or administrative reforms which will implement procedures aimed at three goals:

1. Reduce the trauma to the sexually abused child victim.
2. Enhance the likelihood of successful prosecution or legal action against the offender.
3. Improve procedures for protecting children from abuse.

These goals provide guidelines, rather than legislating mandatory reforms, for the States to follow. State participation is voluntary.

(Many States already have established procedures in compliance with at least one of these goals.) While the Act provides incentives and guidelines for the States to enact reforms, it also allows the States enough flexibility to design specific reforms and programs that would best meet the needs within their jurisdiction.

For a State to be eligible for grants it must first establish, (or have a comparable administrative body), a multidisciplinary task force compromised of judicial, legal, medical, and social welfare professionals to review analyze and make recommendations for reforms needed by States to improve responses to child abuse cases in accordance with the Act's three goals. Hence, the Task Force will do away with existing administrative shortcomings such as inefficiency and duplication of effort which delay the expeditious attention necessary to help abused children.

The bill further requires the National Center on Child Abuse and Neglect to evaluate and disseminate information about

the effectiveness of procedures involving the investigation and prosecution of child sexual abuse cases in a manner that reduces trauma to the child victim; to develop model training materials for all personnel dealing with child sexual victims, and support research projects for more effective approaches for achieving the goals of this Act. Every six months, the Attorney General, the Secretary of HHS and Sec. of Education will meet to coordinate programs in order to prevent the overlap resulting in wasted resources and test the effectiveness of such programs in handling the child abuse problem.

The Act goes further than the current Child Abuse Prevention and Treatment Act of 1974. Emphasis has been placed upon preventing, identifying, and treating incidents of child abuse by attempting to prevent the revictimization of a child by an abusive administrative and judicial process that fails to recognize the special nature of the crime involved. Our laws should balance three conflicting interests: society's interest in convicting the guilty, the accused's right to avoid an unjust conviction, and most importantly, the child victim's right to be spared undue psychological stress.

REFORM PROCESSING OF CHILD SEXUAL ABUSE CASES

Because traditional legal approaches frequently lead to greater trauma, innovative approaches are needed in the processing of child abuse cases. These innovations should minimize trauma to the child victim without sacrificing either due process or State aims of bringing child molesters to justice. One suggestion to the States that may help to reduce the child

victim's trauma is the establishment of interdisciplinary teams of child abuse professionals such as law enforcement officers, child protective service workers, prosecutors, child advocates, mental health professionals, and medical personnel for handling child sexual abuse cases. Presently, Tennessee, Indiana, and Florida have statutes that mandate the use of child protection teams to handle child abuse reports. These review teams help to develop a more complete profile of the victim, family, and offender. Therefore, they are more capable to make decisions such as whether or not to prosecute the case, and to make referrals for therapy or institutionalization more timely. These teams will prevent duplication of efforts and undue delay in helping the victim and the abuser to lead normal lives and possibly re-integrate themselves into a healthy family environment.

A second suggestion to reduce a child's trauma is the coordination of juvenile and criminal court proceedings with a decision as to which is the most desirable court setting. Coordinated court proceedings will decrease the amount of time a child must spend in the court room. In addition to coordinated court proceedings, one prosecutor should handle the case at all stages of the prosecution.

A third suggestion is to provide specialized training of law enforcement, legal, judicial, and child welfare personnel to deal with child sexual abuse victims. Law enforcement officials are often the first people to respond to a child sexual abuse crime, and therefore, they must know how to interview the child, and how to intervene effectively and accurately make a report. Techniques must be improved for interviewing the child to prevent

multiple, repetitive interviews. Another consideration for reducing the trauma to the victim and improving the chances of a successful prosecution is having a professionally trained interviewer who would be trained to draw out the truth and an accurate testimony.

Modern technology may be able to alleviate trauma in court proceedings while improving the chances of a successful prosecution. Videotaping and closed circuit television could be used to prevent an inordinate number of interviews and spare a child the trauma of testifying in an open courtroom. So far, at least thirteen States have statutes permitting videotaping the child's testimony, and Kentucky and Kansas even mandate that the child must not be able to see or hear the defendant. To date--only three States, Texas, Kentucky, and Louisiana--statutorily authorize judges to allow physically or sexually abused children to testify via closed circuit television to the court and the jury. Only the judge, attorneys, and a support person can be present with the child. (The defendant can be present, but the child cannot see or hear him.) Also, twenty states have passed laws barring some portion of the audience from the courtroom during the testimony of a sexually abused victim.

Other measures to reduce trauma and also strengthen the State's hand in prosecuting child sexual abuse cases are modifications of certain evidenciary restrictions such as the corroboration requirement, repeal of competency provisions so that the age of the child victim does not preclude her from being a witness, and the hearsay rule. To date, nine states have

statutorily created a special hearsay exception explicitly limited to child sexual abuse victims. These laws provide that a child's out-of-court statement is admissible as evidence if the court finds it sufficiently reliable. Another reform suggested is strengthening the State definition of child sexual abuse; i.e. to include exploitation. Enacting reforms to improve the chances for successful conviction may result in more guilty pleas and therefore obviate the need for court procedures.

REFORMS TO PREVENT FURTHER ABUSE

To improve procedures protecting children from further sexual abuse, the Act also suggests providing a guardian ad litem or a child victim advocate who is assigned to make an independent investigation and report to the court regarding what action should be taken to protect the best interests of the child.

In addition, courts should be given the authority to grant civil protection orders to protect children from further abuse. In other words, instead of removing the child from the home, and thereby increasing the trauma and guilt, remove the offender instead. Finally, the State should provide treatment for the offender and the abused child. The State could enact reforms designed to break the cycle of abuse including treatment and counseling for the victim, family, and offender. The victims need therapy to prevent the memory of the abuse from adversely affecting the rest of their lives, and to alleviate depression, self-hate, anger, and sense of futility that often results from sexual abuse. These feelings have also been identified as important factors in youth suicide.

It is important to note that a child's interests are served best if permitted to continue family life with as little interruption as possible. Sometimes, this means reunification -only after extensive rehabilitation- with an offender who is a member of the family. One model for a child sexual abuse program is the Child Sexual Abuse Treatment Program of Santa Clara County, California, where reuniting families which have experienced serious child abuse has been accomplished in the great majority of cases. The program reported that in sexual abuse cases, more than 92% of the children return home and more than 75% of the marriages remain intact. The recidivism rate is 0.6% for those families who have completed the program.

EDUCATING THE PUBLIC

In addition to programs for the abused and the offender, prevention and education must be promoted on a large-scale basis to raise the public's consciousness to the problem of child abuse. Television is an excellent medium to reach millions of Americans and those afraid to seek help. For instance, "Something About Amelia", a show on child sexual abuse screened on January 9, 1984, resulted in 3000 letters and 5000 calls of support. It also helped to eradicate the scars of many victims.

A national campaign is needed so that the general public is aware of the nature and costs of child abuse. Victims must know where and from whom they can seek help--i.e. hotlines. Adults, parents and teachers must teach children to say NO to an adult who is sexually abusing them instead of innocently complying. Many abusers are weak, insecure individuals who are seeking love and a sense of control or power in a relationship,

power they lack in the outside world; they are romantics trying to escape adult reality. Therefore, if a child says "no" from the start, he or she may be spared the abuse. In one case, one father told a researcher how he had worked his way through his children, seducing two sons and two daughters in turn. Only the third child, a daughter, escaped. When the father was asked why she was not abused, he shrugged and said, "She said no." (Newsweek, May 14, 1984, p.33).

Fortunately, the veil of secrecy covering child sexual abuse is being lifted and the cries of the abused victims are no longer cries in the dark. With increased permissiveness and stress in today's society, child sexual abuse will reach astounding levels unless we take measures to break the cycle of abuse. State reforms have been enacted, but slowly, and certainly not universally. A coordinated effort to combat child sexual abuse must start at the Federal level and disseminate down to the individual family. Reforms are needed in administrative and judicial proceedings to minimize trauma to the child victim and increase the likelihood of a successful prosecution. The strength of our nation depends on the strength of our families. We owe it to our children. Once a child shows enormous courage to make that cry for help, should not our administrative and judicial systems be able to adequately respond?

Mr. WILLIAMS. Thank you very much.

What is the wish of the members of the two committees? The bells are ringing. We have not yet heard from our final witness. He can no doubt complete his testimony before we would have to go and vote, but I assume members will want to ask questions. Am I correct in that?

Mr. EDWARDS of California. Let's go and come back.

Mr. WILLIAMS. Let's leave and return after the vote.

[Recess.]

Mr. WILLIAMS. The recess is ended, and we call this joint hearing to order.

We are prepared now to hear from the chairman of the Select Committee on Children, Youth and Families. The gentleman has been the author of much of the good child protection legislation that has become the law of the land. We are pleased that Congressman George Miller of California is with us this morning. We look forward to your testimony.

STATEMENT OF HON. GEORGE MILLER, A U.S. REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mr. MILLER of California. Thank you. I want to thank you and Congressman Edwards for holding these hearings and for the efforts that you both have made in the attempts to try to provide a more humane system for dealing with the victims of child abuse and to address a number of the legal barriers that are presented to those victims and make this system much more humane and much more responsive to the needs of the victims and the needs to prosecute those who would victimize those children.

I would like to take a moment this morning to ask the committee and to talk with the committee about a couple of things that I think need to be done if we are going to do more than simply compile the statistics on child abuse, on sexually abused children. That is simply to continue that effort no matter how we change it. I think that reporting has to be better. I think that we have to know more about child abuse. But we have also got to raise the question of what can we do in the area of prevention.

One of the things that has become very clear after 3 years on the Select Committee on Children, Youth and Families is the dramatic change that is taking place in the American family. We can argue until the cows come home about why that is happening, but we are not going to argue about whether or not it is happening, because it is. We have all been confronted by the figures in the press and in your own committee work and on the floor of the Congress and in your own districts about the increasing number of poor children and the number of children that are now left alone greater periods of the day, the number of working parents with infants, and the number of families that are under economic stress, the number of families where both parents or the one head of household gets up and goes to work every day. And at the end of the year they end up poor.

One of the things I can tell you is we go through economic cycles. One of the things we understand very clearly is that economic stress is a major factor in child abuse. It rises and falls like the tide

with the economy of this country. We see it now in the farm communities, where we hadn't seen it, or wasn't reported. We have seen it in the industrial areas when this country went through changes and starting closing down its factories and moving them. Child abuse always came to the forefront with other social behaviors that we like to believe we are not capable of and that we don't accept in this country.

As we see the families under economic stress, we also see families that become more socially isolated. I think that we have got to find a way to try to reach out to these families and to provide them the services that would prevent them from doing what most of us think is absolutely abhorrent, and that is striking their own children, abusing their own children.

One of the things that I think can be very helpful for a very modest cost is something that we learned in the year-long study in the Select Committee on Children, Youth and Families as we traveled across this country looking at various components of programs of child care. Two things out of child care jumped out at us in terms of child abuse. The first was the notion of a crisis nursery. That is providing short-term, 24-hour care to infants and young children who are the potential victims of abuse and neglect and support services for their parents who might abuse them.

The second is respite care services. That is the care both in home and out of home for families with handicapped or chronically ill children. These families face stress unlike anything the rest of us know far beyond what we have in our daily lives or families similarly situated might have. I must tell you that it is hard for us to understand that what I am talking about is a crisis nursery where you can bring your child if you think you are likely to abuse that child. Most of us can't understand reaching that threshold. But the fact of the matter is that it happens and happens on a daily basis. It happens in thousands and thousands of homes across this country.

I first learned about crisis nurseries in my own district, where the Bay Area Crisis Nursery has served as a model that was started by one women who heard about these tales and went out and reached out into the community and started a crisis nursery so that people can bring them there. We now find parents under stress, thinking that they are not going to be able to control themselves, bringing their children so that they can receive services and their children can receive protection.

It didn't stop in my district. In Denver we see the establishment of a crisis nursery with outreach counseling and therapeutic respite daycare has reduced the death rate in child abuse from 10 or 12 a year to 1 to 4 a year. It reduced the amount of severe child abuse from 10 percent in all cases reported to 3 to 4 percent. In Hawaii we have a church-based crisis nursery serving 300 high-risk families. It reduced the expected child abuse rate from 20 to 2 percent.

In New York City we have a hospital-based crisis nursery serving 855 high-risk children and their parents. It has prevented foster care placement which the Federal Government picks up the money for, in 75 percent of the cases. In a 1-year followup, some 75 percent of those parents were using the referral and ongoing support-

ive services. This is a sign that they are making an effort to try to prevent from abusing their children.

Handicapped and chronically ill children present a very special problem to this country and to the families in which they live. That is the ability of parents to simply have respite, to get away from the stress, to get away from the constant attention that they must provide for their children, children with cerebral palsy. We find surveys where they have indicated that somewhere from 10 to 20 percent were abused in their home settings. Again, we like to think that this isn't what you do when you have a handicapped child or a chronically ill child. But the fact of the matter is none of us live under the stress that these people live.

I had a hearing in Anaheim. We had a parent come talk to us about respite care in the State of California, providing you so much respite care a month. For her to come and to testify at that hearing, she used up her respite care for 3 months, where she could have an opportunity to do something for herself. So, you start to understand how these families can engage in something that we can't understand. That is the abuse of their own children.

I think and I would hope that, as this legislation moves to the Education and Labor Committee and the Judiciary Committee, that you would think about services. It is very clear that they work. They reduce the numbers of children entering these systems. We can in fact provide those parents with help. And we won't have to worry about the prosecution of those cases. We won't have to worry about the victims in those cases because in fact we can prevent them. It is well documented. It is not of great controversy.

I would hope that we could make some effort to help those local communities that want to make an effort at preserving their families and the integrity of those families, those families that live in situations that are foreign to us. I would just hope that both of these committees would give consideration to these kinds of service-related programs.

Again, I want to commend all of you for the work that you have done on the various pieces of legislation, and Congressman Sikorski and Congressman DioGuardi for their efforts in getting the House to focus on the efforts that Senator Hawkins undertook in the Senate.

Thank you very much.

[The prepared statement of Hon. George Miller follows:]

PREPARED STATEMENT OF HON. GEORGE MILLER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

I WANT TO COMMEND CHAIRMAN WILLIAMS OF THE SUBCOMMITTEE ON SELECT EDUCATION, AND CHAIRMAN EDWARDS OF THE SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS FOR CALLING THIS HEARING TODAY ON LEGISLATION TO PROMOTE LEGAL REFORMS TO REDUCE FURTHER TRAUMA TO ABUSED CHILDREN. I APPRECIATE HAVING THE OPPORTUNITY TO TESTIFY BEFORE THE COMMITTEE ON THIS IMPORTANT SUBJECT.

MANY OF MY COLLEAGUES HERE TODAY HAVE SPONSORED BI-PARTISAN LEGISLATION TO ADDRESS LEGAL BARRIERS TO THE SUCCESSFUL PROSECUTION OF CHILD ABUSE CASES, AND CRITICAL GAPS IN OUR INFORMATION ABOUT THE PROBLEM. I WANT TO ESPECIALLY COMMEND CONGRESSMAN DON EDWARDS AND CONGRESSMAN GERRY SIKORSKI FOR THEIR FINE EFFORTS.

WE HAVE KNOWN FOR A LONG TIME ABOUT THE PROBLEM OF CHILD ABUSE IN OUR SOCIETY. SINCE 1974, WHEN CONGRESS FIRST PASSED THE CHILD ABUSE PREVENTION AND TREATMENT ACT, THE FEDERAL GOVERNMENT HAS ASSUMED A LEADERSHIP ROLE IN FIGHTING THIS SERIOUS SOCIAL PROBLEM. LAST YEAR, THAT ROLE WAS RE-AFFIRMED, AND STRENGTHENED WHEN CONGRESS RE-AUTHORIZED THE FEDERAL CHILD ABUSE PROGRAM.

WHILE WE ARE MAKING GOOD PROGRESS IN OUR EFFORT TO COMBAT CHILD ABUSE, OUR SOCIETY IS UNDERGOING ENORMOUS CHANGE.

- NEARLY 50% OF ALL MOTHERS WITH INFANTS UNDER ONE YEAR OF AGE ARE NOW IN THE WORKFORCE -- A 52% INCREASE SINCE 1976.

- MORE THAN TWO-THIRDS OF ALL EMPLOYED MOTHERS OF PRESCHOOL CHILDREN WORK FULL TIME.

- AT LEAST 7 OR 8 MILLION CHILDREN NATIONWIDE ARE CARED FOR IN FAMILY DAY CARE HOMES, OR IN CHILD CARE CENTERS.

- THE NUMBER OF POOR CHILDREN INCREASED BY NEARLY 3.5 MILLION BETWEEN 1979 AND 1983. IN 1984, 12.9 MILLION, OR 21% OF ALL CHILDREN IN AMERICA WERE POOR.

- TO SURVIVE ECONOMICALLY, FAMILIES ARE MORE MOBILE THAN EVER BEFORE. INCREASED MOBILITY, COMBINED WITH INCREASED PARTICIPATION IN THE WORKFORCE, MEANS FAMILIES LOSE CRITICAL EXTENDED FAMILY AND COMMUNITY SUPPORTS.

AS THE SELECT COMMITTEE ON CHILDREN, YOUTH AND FAMILIES HAS SEEN ALL TOO CLEARLY, THESE CHANGING CONDITIONS MEAN MORE AMERICAN FAMILIES ARE FACING INCREASED ECONOMIC STRESS, AND AT THE SAME TIME THEY ARE BECOMING MORE SOCIALLY ISOLATED.

RESEARCH SHOWS THESE ARE THE ESSENTIAL INGREDIENTS WHICH PLACE CHILDREN AT RISK OF ABUSE.

THE CHANGING CONDITION OF AMERICAN FAMILIES HAS INCREASED THE POSSIBILITY OF CHILD ABUSE AT HOME. AT THE SAME TIME IT HAS INCREASED THE POTENTIAL FOR ABUSE OUTSIDE THE HOME.

THE LEGISLATION BEFORE THIS COMMITTEE TODAY RECOGNIZES THE GROWING SCOPE AND CHANGING NATURE OF CHILD ABUSE IN OUR NATION. AS A PRINCIPAL CO-SPONSOR OF H.R. 2791, I WOULD LIKE TO BRIEFLY REVIEW ITS KEY PROVISIONS:

*THE CRIMINAL JUSTICE SYSTEM IS HANDLING MORE CASES OF CHILD ABUSE THAN EVER BEFORE, BUT IS FREQUENTLY NOT EQUIPPED TO DEAL WITH YOUNG CHILD ABUSE VICTIMS. H.R. 2791 ESTABLISHES A FEDERAL LEADERSHIP ROLE IN PROMOTING LEGAL REFORMS BY REQUIRING THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT TO:

-- EVALUATE EFFECTIVE METHODS TO IMPROVE THE INVESTIGATION AND PROSECUTION OF CHILD SEXUAL ABUSE CASES IN WAYS WHICH REDUCE TRAUMA TO CHILDREN;

-- DISSEMINATE THIS INFORMATION TO STATES;

-- AND TRAIN CRIMINAL JUSTICE AND CHILD WELFARE PERSONNEL TO DEAL WITH CHILD SEXUAL ABUSE VICTIMS.

*WE HAVE BEEN COLLECTING NATIONAL STATISTICS ON CHILD ABUSE THAT OCCURS WITHIN THE FAMILY, BUT WE DO NOT HAVE STATISTICS ON CASES HANDLED THROUGH THE CRIMINAL JUSTICE SYSTEM. H.R. 2791 REQUIRES THE FBI TO MODIFY ITS CRIME REPORTING TO PERMIT COLLECTION OF STATISTICS ON CHILD ABUSE CRIMES.

*EARLIER THIS YEAR, THE CALIFORNIA ATTORNEY GENERAL'S COMMISSION ON THE ENFORCEMENT OF CHILD ABUSE LAWS RECOMMENDED THAT STATE CHILD ABUSE REPORTING REQUIREMENTS TAKE PRECEDENCE OVER FEDERAL CONFIDENTIALITY LAWS. THIS APPLIES IN CASES WHERE INDIVIDUALS ARE RECEIVING TREATMENT FOR DRUG OR ALCOHOL ABUSE THROUGH FEDERALLY FUNDED PROGRAMS. H.R. 2791 CLARIFIES THAT STATE CHILD ABUSE REPORTING REQUIREMENTS MUST RECEIVE PRIORITY. THIS IS EXTREMELY IMPORTANT. TESTIMONY BEFORE THE SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES SUGGESTS VERY CLEARLY THAT CHILD ABUSE, AND OTHER FORMS OF FAMILY VIOLENCE, OCCUR FREQUENTLY IN FAMILIES WHERE SUBSTANCE ABUSE IS A PROBLEM. FOR THESE FAMILIES, FAILURE TO REPORT CHILD ABUSE MEANS THEY, AND THEIR CHILDREN, WILL NOT RECEIVE THE HELP THEY SO DESPARATELY NEED.

THESE MEASURES WILL STRENGTHEN OUR FIGHT AGAINST CHILD ABUSE, PARTICUARLY ON THE LEGAL FRONT.

BUT WE SHOULD ALSO BE WORKING TO CREATE AND SUPPORT EFFORTS TO PREVENT THE ABUSE FROM OCCURING IN THE FIRST PLACE.

LAST YEAR, THE SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES, DEVOTED ITS YEAR TO INVESTIGATING NEEDS, PROBLEMS, AND POLICIES CONCERNING CHILD CARE. ONE OF THE KEY ISSUES WHICH EMERGED AS WE HELD HEARINGS AROUND THE COUNTRY WAS THE STRONG ROLE THAT CHILD CARE CAN PLAY IN ALLEVIATING THE STRESS THAT SO MANY FAMILIES NOW FACE.

TWO KINDS OF PREVENTION PROGRAMS EMERGED AS ESPECIALLY EFFECTIVE FOR FAMILIES ESPECIALLY AT RISK OF ABUSING THEIR CHILDREN:

*CRISIS NURSERIES PROVIDING SHORT-TERM, 24 HOUR CARE TO INFANTS AND YOUNG CHILDREN WHO ARE POTENTIAL VICTIMS OF ABUSE OR NEGLECT AND SUPPORT SERVICES TO THEIR PARENTS.

*RESPITE CARE SERVICES, BOTH IN-HOME AND OUT-OF-HOME, FOR FAMILIES WITH HANDICAPPED OR CHRONICALLY ILL CHILDREN. THESE FAMILIES FACE THE SAME STRESSES AS OTHER AMERICAN FAMLIES, BUT MUST DO SO WITH THE ADDITIONAL BURDEN OF CARING FOR A SPECIAL NEEDS CHILD.

EVEN THOUGH CRISIS NURSERIES, WHICH ARE OFTEN BASED IN CHURCHES, ARE RELATIVELY NEW, THEY HAVE ALREADY PROVEN THEIR EFFECTIVENESS:

*DENVER -- ESTABLISHMENT OF A CRISIS NURSERY, OUTREACH CRISIS COUNSELING SERVICES, AND THERAPEUTIC "RESPITE" DAY CARE REDUCED THE DEATH RATE DUE TO CHILD ABUSE FROM 10-12 PER YEAR TO 1-4 PER YEAR; REDUCED THE AMOUNT OF SEVERE ABUSE FROM 10% OF ALL CASES REPORTED, TO 3-4%.

*HAWAII -- A CHURCH-BASED CRISIS NURSERY SERVING 300 HIGH RISK FAMILIES BETWEEN 1979-1982, REDUCED THE EXPECTED CHILD ABUSE RATE FROM 20% TO 2%.

*NEW YORK CITY -- A HOSPITAL BASED CRISIS NURSERY SERVING 855 HIGH RISK CHILDREN AND THEIR PARENTS PREVENTED FOSTER CARE PLACEMENT IN 75% OF THE CASES; ON ONE YEAR FOLLOW-UP, 75% OF THE PARENTS HAD ACTED ON REFERRALS FOR ON-GOING SUPPORTIVE SERVICES -- A HOPEFUL SIGN THAT THEY ARE GETTING THE HELP THEY NEED TO PREVENT ABUSE AND NEGLECT OF THEIR CHILDREN.

HANDICAPPED AND CHRONICALLY ILL CHILDREN COMPRISE A GROUP THAT THIS SUBCOMMITTEE HAS PARTICULAR INTEREST IN. IT IS A GROUP THAT IS AT ESPECIALLY HIGH RISK FOR ABUSE AND NEGLECT:

*TWO RECENT SURVEYS OF CHILDREN WITH CEREBRAL PALSEY INDICATED FROM 11-20% HAD BEEN ABUSED OR WERE SUSPECTED TO BE ABUSED.

*A 1980 STUDY OF RESPITE CARE USERS REPORTED THAT 30% OF FAMILIES SURVEYED SAID THEY MIGHT NOT HAVE BEEN ABLE TO COPE IF RESPITE CARE HAD NOT BEEN AVAILABLE.

*A STUDY OF MODEL RESPITE CARE SERVICES IN CALIFORNIA REPORTED THAT 83% OF FAMILIES RECEIVING SERVICES STATED RESPITE CARE WAS AN IMPORTANT FACTOR CONTRIBUTING TO THEIR ABILITY TO CARE FOR THEIR DISABLED FAMILY MEMBER AT HOME.

*EACH OF THESE STUDIES INDICATES RESPITE CARE SERVICES PREVENT COSTLY INSTITUTIONALIZATION OF DISABLED CHILDREN.

DESPITE GROWING EVIDENCE THAT CRISIS NURSERIES AND RESPITE CARE SERVICES ARE COST-EFFECTIVE APPROACHES TO PREVENT CHILD ABUSE, MOST AT RISK FAMILIES LACK ACCESS TO THESE CRITICAL SERVICES.

EARLIER THIS YEAR, I INTRODUCED H.R. 2867 -- OMNIBUS LEGISLATION TO IMPROVE AND EXPAND CHILD CARE OPTIONS FOR FAMILIES. THIS BIPARTISAN BILL, WHICH I AM PLEASED BOTH CHAIRMAN WILLIAMS AND EDWARDS HAVE CO-SPONSORED, INCLUDES PROVISIONS PROMOTING THE DEVELOPMENT OF CRISIS NURSERIES AND RESPITE CARE. SECTION 522 OF THE BILL ESTABLISHES DEMONSTRATION GRANTS TO STATES TO ASSIST PRIVATE AND PUBLIC AGENCIES IN THE PROVISION OF RESPITE CARE SERVICES FOR FAMILIES WITH DISABLED CHILDREN. SECTION 523 ESTABLISHES SIMILAR DEMONSTRATION GRANTS TO STATES TO ESTABLISH CRISIS NURSERIES FOR CHILDREN AT RISK FOR ABUSE AND NEGLECT.

I URGE YOU TO SERIOUSLY CONSIDER SECTIONS 522 AND 523 OF THE BILL IN CONJUNCTION WITH THE CHILD ABUSE LEGISLATION CURRENTLY UNDER CONSIDERATION.

THANK YOU AGAIN, CHAIRMAN WILLIAMS AND CHAIRMAN EDWARDS, FOR ALLOWING ME TO TESTIFY THIS MORNING AND FOR YOUR LEADERSHIP ON THIS IMPORTANT ISSUE.

Mr. WILLIAMS. Thank you, George. We appreciate your testimony and, of course, that of our other two colleagues as well.

We will go first to questions from Mr. Bartlett.

Mr. BARTLETT. I appreciate the two chairmen letting me go first. I have a meeting in a few moments.

Let me first ask about your intent. As you know, I am a cosponsor of the bill, and I support adopting legislation such as this. I want to make sure that we do it correctly, in a way that does assist victims and also in a way that can get through the Congress in a year when budget priorities must be made.

My first question is, as we draft the final legislation through the subcommittee, is it your intention that the grants be capacity building so that they become in essence one-time-only grants to give the States the opportunity to build their capacity and then leave it with them? The reason I ask that is, first of all, I think that is easier to pass. But second, it seems to me it may well be more productive from the State level if we imply in any way in the legislation that their operating funds will follow. Well, it could well be that the amount of resources committed by the States will automaticallly be less than they would have been only on Federal funds.

Is it your intention that this be a one-time-only kind of grant focused on capacity building and then the Federal program anyway cease its involvement?

Mr. SIKORSKI. Yes, in the sense that it's capacity building. No, in the sense, if you mean 1 year only——

Mr. BARTLETT. I don't mean 1 year, I mean one time.

Mr. SIKORSKI. Then yes.

Mr. BARTLETT. Joe.

Mr. DIOGUARDI. Yes, I see this very much in the nature of seed money that is needed to get it going and then to act kind of as a magnet to attract matching funds from the private sector and the local communities. Anything that I am doing in terms of social legislation involves the private sector heavily. I think we have got to get away from this notion that the Federal Government is the giant pocketbook for everything. I think we have got to set priorities. I think the Federal Government has a role in this kind of legislation. But I see it more in the role of providing seed money, setting a tone, and getting the others involved in a true partnership. That is basically what I see here.

Mr. BARTLETT. George.

Mr. MILLER of California. Well, I would hope that there would be some discretion. I would hope that the grants would be made on the basis that we have some assurances, I guess, or we feel that we are sure that we are going to have some success. Sometimes 1-year grants and trying to get these programs under way, you know—in the 10 years I have been here and reviewing programs, the country is littered with Federal model programs and 1-year grants that started out to be successful and then the pins were pulled out from underneath them.

I don't know, in some communities you can do it in 1 year. You can build that kind of community support. In some communities there are no local resources, unfortunately. So, I would hope there would be some ability to move between 1 and 3 years, depending

upon what schedule of matching resources you have where you bring—you know, clearly we have to be trying to bring the local community into that. But that is not always achievable in 1 year. Very often, you take what starts to become a successful program, and you've almost wasted your resources. That's the only caveat, but I don't disagree with what you're trying to do.

Mr. BARTLETT. I agree as far as the 1 year. I think the important thing is that it be a definitive time period with an ending point, and that all the parties understand on the front end that the Federal involvement does end. I do concur that 1 year is not necessarily the magic time.

The country is also littered with Federal programs that were started when the Federal Government was going to start them as capacity building, but the Federal Government continues to fund that specific program.

So, we will work with the three of you in seeing if we can develop some language to make sure that that fulfills the intent.

I suppose the other thing is, would the three of you care to comment on the proposal that was suggested earlier as to a different way of funding altogether, and that is through the Crime Victims Compensation Act, which may well have more probability of being funded?

Mr. SIKORSKI. I think there is a commitment, and no one wants to either partisanize it or regionalize or somehow segregate the support for this thing. We all talk eloquently about it. We all are sincere about it. We have an opportunity to do something about it. I think we can fit it in with all ideologies, with all philosophies if we are careful. And I have no antagonism as long as we get the program. I know in these days we have to scrutinize all expenditures, and even more arguably new kinds of expenditures. To the extent that we can couch this in an existing program and still ensure that the moneys are there without affecting other programs that are going to the same people, I think that's good; to the extent we can raid DOD's $41 billion, even better.

Mr. BARTLETT. You'd have to take a number for that. Everyone is attempting to use that.

Mr. SIKORSKI. In my statement——

Mr. BARTLETT. First we have to find it, of course.

Mr. SIKORSKI. In my statement we looked at the GAO's review of the—Grace Commission recommendations. By eliminating multiphone line overuse in the Federal Government, they could save enough to fund this program for 40 years. That gives you an idea of the potential. It doesn't get us any further there, but to the extent that we can earmark, that's fine.

Mr. BARTLETT. I thank the gentleman for the cooperative spirit. We will work with the sponsors to the legislation to develop it in a way that makes sense.

I thank the chairman for the time.

Mr. WILLIAMS. Mr. Edwards.

Mr. EDWARDS of California. I have no questions, Mr. Chairman, except I would like to compliment and thank the three witnesses, our colleagues who have done so much excellent work in this area. You know, George Miller of California has been a prophet, way ahead of all of us for years and years and founded that Select Com-

mittee that he so proudly and competently chairs. I think that we all should be very grateful to all of you. But, George, you told us years ago that we had to start doing work like this.

Mr. MILLER of California. Thank you.

Mr. WILLIAMS. Mr. Hayes.

Mr. HAYES. Thank you, Mr. Chairman.

I don't really have a question. I do want, as Congressman Edwards has done, commend the witnesses for what has been excellent testimony. I think each of you have indicated that, as we begin to move into action, the magnitude of the problem is growing. I really appreciate this bipartisan recognition of the problem. I think we have got to be equally as determined to approach the solutions on a bipartisan basis.

In almost every instance you cite examples of child abuse in one form or another. I know this is a fact, but there are also many, many more cases of abuse that are not brought to our attention that will go unreported. I think there is a direct correlation between being parents too soon, in many instances, and child abuse. I read just the other day in my own district some 11-year-old child had given birth: A child giving birth to a child. This is the kind of thing that is really disturbing to me.

In the poor and poverty stricken community that number is growing. It is really weeping with need for help in this whole area. There is also a connection between the increased usage of drugs and alcohol, which adds to, in many instances, abuse of children. This has been proven in testimony given.

I just want you to know, as a member of this subcommittee, that you have my support for these suggested legislative remedies that each of you have proposed. But it is going to take a lot of doing. As you said, we have got to change our priorities as we approach this problem.

Mr. DIOGUARDI. I would like to just comment on this one particular incident in my own district, which is just one horrible example. It was a daycare center. The people who were entrusting their kids there were people who were trying to stay off the poverty lines, two-earner families. The wives had to commit their kids to this daycare center. And here isn't it ironical? People are trying to pick themselves up by their own bootstraps. They are entrusting their kids to others, and they get victimized like this in the process of trying to better themselves.

Now, if we can't help people help themselves in this country, what are we all about? And you talk about the accounting systems. I have been here 9 months. I have seen every creative way to disguise waste than I have ever seen. If we can't find a creative way to provide for this program, I will lose faith in this body and faith in this country. Our kids can't speak up loud enough. And if we don't speak up loud enough for them, then we can't be proud of ourselves as Congressmen and Congresswomen. I feel that strongly about this issue.

It starts with child sexual abuse, but there is drug abuse, there's suicide, you name it. These are the kids that don't have the PAC money. They don't have the votes. They don't have all the accoutrements of powers that we sometimes like to see hanging around the halls. But if we don't look to them as our first priority, then I

don't think that we are fulfilling our role here as Congressmen or as people, as just normal decent people.

I just challenge you to try your best to pass this legislation in spite of any odds you might find in terms of the fiscal side. There's got to be a way to do this.

Mr. WILLIAMS. Mr. Kastenmeier.

Mr. KASTENMEIER. Thank you, Mr. Chairman.

I, too, would like to compliment my colleagues.

I just have two brief questions. H.R. 2999 is an amendment to the Child Abuse Amendments of 1984. H.R. 2867 is omnibus legislation which, among other things, is designed to improve and expand child care, et cetera. Are these two legislative proposals mutually compatible? That is to say, to the extent the committees will act on these, I take it they are not one or the other. One could adopt both of them. Is that correct?

Mr. MILLER of California. Well, you could adopt both of them or through the wizardry of amendment you will incorporate them. I think the chairman has had discussions with everybody about what the potential is for integrating all of these ideas. So, no, I don't think they are incompatible at all.

Mr. KASTENMEIER. There is one other question that Mr. Bartlett more or less raised. That is the future of these programs. On the House floor today it is assumed that we will be adopting the Gramm-Rudman. I take it these programs are in the exposed group of domestic programs. Therefore, at the end of 5 years, to the extent of the seed money or not, these programs which are going forward could be diminished by virtue of the impact of the adoption of Gramm-Rudman today.

Mr. MILLER of California. I think there is no question that that is one of the things that Members of Congress are going to have to confront when they cast their votes. If we really believe in that process and we think we are going to adhere to it, then we ought to fully expect that there is going to be a tremendous toll on these programs. We won't be able to hide behind the notion that we will be able to take it out of some other category and move it around. I have been on that conference committee for 2 months now. If Gramm-Rudman works as we say we want it to work, absent substantial new revenues, these programs will be in the exposed category. They will take substantial percentage cuts. For small programs like child abuse, we're talking about a little tiny bit of money, it will be a great big cut.

They are not grandfathered in or on the exempt list as a number of the large programs for poor people in this country are. I don't happen to believe when the Congress is pushed up against that, that they will vote against child abuse moneys. But they may find that they will be constrained from voting for them by the procedure they put in place. But we will have to see.

Mr. KASTENMEIER. Thank you, Mr. Chairman.

Mr. WILLIAMS. Mr. DioGuardi, you had a statement earlier in your testimony in which you said you didn't want to be part of a situation that held the youth of this country hostage to the budget system and encouraged this committee and your other colleagues not to be part of that. I would agree with that. But we are soon to vote on Gramm-Rudman two or three, or Son of Gramm-Rudman.

When that process passes, the Congress will have shackled itself in such a way that this will only be one of the hostages taken. There will be many, many more to come.

It seems to me that the success in large measure of this Nation these past 50 years, has been in part because the Congress could pick and choose and respond to the new needs, the new demands of this country. You know, because of our length and breadth and the depth of activity in this country, new needs surface all the time, needs that weren't there a year or two or three ago, or perhaps needs that were there, such as this one, which only now have come to the surface in such a way that they are fully recognized.

In my judgment, Gramm-Rudman is going to remove from the Congress most of the flexibility we have to meet those new emerging needs. George, you mentioned a statement that I particularly liked. You said that child abuse and neglect rises and falls with the national economic tide. As you know, from having been a member of the conference committee that did such good work on trying to write the new Gramm-Rudman, as the economic tides of this country fall, Gramm-Rudman locks the Congress into doing less, not more. That's the nature of it.

You, of course, are precisely correct. As the economy gets bad, we need to do more on the issue of child abuse and neglect. Gramm-Rudman allows us to do less.

Mr. MILLER of California. It does it with such certainty that members of Congress would have to consider whether or not they were part of the conspiracy to engage in child abuse, because we now know what happens when that economy falters. We hear it in every sector, in the suburbs, in the rural communities, in the inner cities. We know the degree to which that incidence of child abuse will go up. It's a frightening, frightening aspect, families who never ever in their mind believed they would be in that situation.

Mr. WILLIAMS. George, a question—along with Don I have joined you as cosponsor of the efforts to form crisis nurseries. What do you envision as the criteria for admittance to the nursery? It is obvious that without proper criteria there would be abuse.

Mr. MILLER of California. In the best instance you would identify high-risk families from characteristics that we now know around the birth of a child. We know there are certain profiles of families. We have found in a number of cases where we have stayed with those families, and we have done one thing. We have made somebody available to those families to talk with those new parents, to work with them through the growth of their child. We have stayed with them. All of the kinds of violence in the homes that we see has just plummeted, one person voluntarily going with these families. Obviously, I don't think the Congress is prepared to do that, even though it saves a zillion dollars in public resources.

So, the crisis nursery basically is a decision that the family makes to come. The crisis nursery is there. Parents that think violence is going to break out in the house bring their child there for protection.

In the ones I am most familiar with, people call and say: I think I'm going to be in trouble; I think I'm going to hit my child. In this case Sister Ann or someone says: bring your child here. You then try

to move the parents into some kind of counseling or some kind of services.

That is the criteria for admittance, when parents know. It's very much like shelters for abused spouses. The fact that you start to alert the community that the resource is there. You know, one of the things the shelters will tell you, the minute the number is flashed on the screen at 11:30 at night, their phones ring from people who are engaged in a violent situation who want to know if they can come down. They will tell you that after NFL football games they don't put it on the screen, and certain holidays they don't put it on the screen, because they will just be overwhelmed. So, it's part of having the community aware that that resource is there.

Also, one of the debates here is about whether this will be in Justice or HHS. One of the notions is that this is a service that is extended to you. You are not engaged in the criminal justice system. You are not engaged in the reporting system, whatever. You are there voluntarily.

Mr. WILLIAMS. Where would you prefer to see it housed?

Mr. MILLER of California. I think social services ought to be in social service agencies.

Mr. WILLIAMS. Gerry, do you have an opinion as to where the mechanism for this should be housed?

Mr. SIKORSKI. I agree with George.

Mr. WILLIAMS. Joe, the same?

Mr. DIOGUARDI. Yes.

Mr. MILLER of California. In Don Edwards' district we know one of the big reasons about sexually abused children is they have a tremendous diversion program there, is separating the notion that the father is going to go to jail and lose his job and engage the criminal justice system in getting them to come in for treatment. They have been able to take those fathers that had incest and abused their children and get them into programs with a tremendous amount of success in putting that family back together. But it is that fear of the justice system, that you're a criminal, all of those notions that people have that prevent them from coming forward in many instances.

Mr. WILLIAMS. Joe.

Mr. DIOGUARDI. Since you elected to discuss Gramm-Rudman, I think I have to comment on that, not that we want to debate the issue. But I don't think that the discussion of this issue and Gramm-Rudman are mutually exclusive. I will challenge you to think about something I found out in my few months here.

When we were studying the budget process, and I was asked to vote on many amendments, I voted against every budget resolution except the final one, and very reluctantly, because I do want to go back to my district. I voted for it and put a long statement in. I will tell you why. Being a CPA for 22 years with a major firm, I think I know a set of books when I see it. I think I know a process when I see it. The problem we have in Congress is that we are all dealing with the surface. We are not getting under the numbers.

You know how we set budgets here in Congress? Incredibly poor. The only question we seem to ask is, what did we spend last year? And do we want to add 2 percent or 5 percent? We have condi-

tioned every Federal agency to spend. Look at what the Pentagon tried to do. They had an inflation adjuster that no other agency uses, and then they added 30 percent. Inflation went down the last 3 years but they did not alert us to the fact that they were building up spending authority, which now turns out to be $41 billion. And we have got to find out how to get that authority back. They were warehousing the money in their 5-year accounts.

As a Congressman, I couldn't get access to those accounts. OK? But we're all here on the surface talking about Gramm-Rudman and everything. What I have to tell you is that we are building budgets like a contractor who tries to build a house from the fifth floor down. How would you build a house? From the bottom floor up. Because we ask one question: What did we spend? That's the wrong question. The question we should ask is: how did we spend it? Go back to the first dollar. It's called zero-based budgeting. It's used in business. There is no reason it shouldn't be used here. And you would find all kinds of money just hidden away with every creative device that you can possibly think of.

I am appalled at the accounting system in government and I am appalled at the lack of accountability of Congress. I am making as my top priority certainly the kids, but now I have to go even higher than that, changing the Mickey Mouse accounting systems and budget process I found out, because we are being held hostage as Congressmen to what's going on here in Government, because we don't know what economic reality is. It's not being reflected on the books.

We have a Mickey Mouse cash basis system that is so subject to abuse by shifting around income and deductions. Whatever we want it to be, it is. As a result, this year we have to borrow $155 billion—that's with a B—just to pay the interest on the national debt. I would tell you that a lot of that is probably waste that we have capitalized in the system. Do you know what you can do with $155 billion on social programs? A tremendous dislocation of wealth, much of that is going offshore to foreigners who are buying our bonds every day.

So, I have great problems with any discussion of Gramm-Rudman vis-a-vis this until we as Congressmen get under the numbers and get hold of this system. I see myself as a trustee of a foundation. I was on 12 charitable boards in the last 10 years. I feel that this is a natural followup to my work in the community, because that is all I did in preparation for this job.

Do you know what the key word is when you're a trustee? Accountability. How can we be accountable when we don't have a data base? We don't have accounting systems that let us know what is really going on. And in the process, sure we've got to ask questions like you just asked. I am not faulting you, Mr. Chairman, but we as Congressmen have to get a better handle on what's going on. We have got to become the board of directors. We have got to set the policy and make sure we are enforcing and monitoring and conditioning people to save, not to spend, or else we are going to put this country in a hole which it will never be able to climb out of. And we're only 200 years old, this great society.

Mr. WILLIAMS. As you know, the Congress, in an effort to move toward better and more detailed accounting systems, created CBO

and OMB some years ago. The difficulty may be, I have found in my four terms here, that the Congress operates on enormous faith. We pass laws and make budgets with the assumption that no one downtown is going to rat hole money. We go on faith and assumption that major American defense industries will not steal from the taxpayer. Perhaps we have operated with too much good assumption and too much faith——

Mr. DIOGUARDI. I agree.

Mr. WILLIAMS [continuing]. But it seems to me that has been at the heart of our problem. It isn't the Congress' fault, it seems to me, that executive branch after executive branch has found clever ways to hide money; nor is it our fault that defense contractors with flags in their lapels steal taxpayers' dollars. That's not our fault.

Mr. DIOGUARDI. We just have to do a better job following up. I don't think we can trust anybody anymore; we can't afford it.

Mr. WILLIAMS. We appreciate it again.

The hearing is adjourned.

[Additional material submitted for the record follows:]

Prepared Statement of Hon. Alan Cranston, a U.S. Senator From the State of California

I am pleased to have this opportunity to present testimony before the joint subcommittee hearings on various legislative proposals pending before your subcommittees focused upon improving the enforcement of child abuse laws, particularly with respect to the investigation and prosecution of sexual abuse cases.

As you know, on August 1, 1985, the Senate unanimously passed legislation sponsored by Senators Hawkins and Dodd, myself, and a group of 17 other Senators, S. 140, the proposed "Children's Justice Act", dealing with these issues.

S. 140, as passed by the Senate, contains several provisions derived from legislation, S. 1320, the proposed "Child Abuse Reporting and Clearinghouse Improvements Act of 1985" which I introduced on June 18, 1985, in the Senate and which the distinguished chairman of the Subcommittee on Civil and Constitutional Rights, my good friend and colleague from California, Representative Don Edwards introduced in the House as H.R. 2791. As the Senate author of those provisions, I will focus most of my testimony upon these aspects of S. 140.

However, I am also a cosponsor and strong supporter of the basic provisions of S. 140 to amend the federal Child Abuse Prevention and Treatment Act to create a new emphasis on encouraging states to enact various reforms in their child abuse laws and procedures to facilitate the investigation and prosecution of child abuse cases, particularly those involving sexual abuse, in a manner which reduces the trauma to the child victim.

As the chairman for four years of the Child and Human Development Subcommittee of the Senate Labor and Human Resources Committee, I have had a long-standing interest and concern about the problems relating to child abuse and neglect, including sexual abuse.

In 1978, I co-authored in the Senate legislation which established the first federal program focused specifically on the problem of sexual abuse of children. That measure, which was

enacted as part of Public Law 95-266, created a small grant program under the federal Child Abuse Prevention and Treatment Act to help establish programs to provide services and treatment to children who were the victims of sexual abuse and to help develop programs to prevent such abuse. Although the separate funding for that program was eliminated in the 1981 Budget Reconciliation legislation, I am pleased to say that we were able to restore the separate funding authorization in the Child Abuse Amendments of 1984, Public Law 98-457.

What seemed in 1978 to be an important problem appears today to have represented merely the tip of an iceberg. The growing statistics on incidence of sexual abuse of children -- regardless of whether they represent merely better reporting procedures or an increase in the cases themselves -- demonstrate beyond any doubt that more needs to be done by government entities at every level to deal effectively with the devastating abuse of our children.

The 1978 law focused primarily on providing treatment for the young victims of sexual abuse.

S. 140 as passed by the Senate on August 1 and the measures pending before your subcommittees move a step further by addressing another very important element of the overall problem relating to sexual abuse cases -- the further victimization of the child victims through an abusive judicial process that fails to recognize the special nature of the crime involved and the additional trauma inflicted upon the children who are often the principal sources of evidence in the judicial proceedings brought against the perpetrators of the sexual abuse. S. 140 would authorize the appropriation of funds for grants to be made to states which enact reforms designed to improve legal and administrative proceedings regarding the investigation and prosecution of child abuse cases, particularly sexual abuse cases.

This new focus is greatly needed.

Numerous examinations and reports by public and private entities have highlighted the problems in the manner in which child-victims are dealt with in the criminal justice system. In my own state, California Attorney General John Van de Kamp initiated last year a study of the deficiencies and weaknesses of our state laws and procedures in this area. The findings and recommendations contained in the California report closely parallel the areas for reform covered in S. 140 and I believe are reflective of the problems faced in other states as well. I ask that a copy of the executive summary of the California Commission's findings and recommendations be included in the hearing record at the conclusion of my remarks.

S. 140 would respond to these findings and recommendations by providing federal financial assistance to states which enact reforms in these areas. It would authorize the appropriation of $12 million for each of fiscal years 1987 and 1988 for making

grants to states for the purpose of developing, establishing, operating, or implementing programs or procedures for (1) handling child sexual abuse cases in a manner which reduces the trauma to the child victim; (2) improving the chances of successful prosecution or legal action against child molesters; or (3) improving procedures for protecting children from sexual abuse.

In order to be eligible to receive a grant, a state would have to establish a multidisciplinary task force on children's justice -- like the California Attorney General's Commission on Enforcement of Child Abuse Laws -- which would review, analyze, and make recommendations for reforms needed to improve the response of such state to child abuse cases in the three areas I have listed. A state like California which had established such a task force within the 3 years prior to enactment of S. 140 would not be required to establish a new task force.

I believe that this basic approach would provide an incentive for states to enact the reforms needed while providing them with flexibility to design the specific reforms and programs that would best meet the needs of their particular jurisdiction. The bill would also authorize the financial help that is needed to get some of these programs operating.

CRANSTON AMENDMENTS

As I indicated at the outset, S. 140 contains the provisions of S. 1320 -- H.R. 2971 in the House. These provisions, in turn, are also derived from recommendations contained in the California Commission's report. They cover four specific areas.

STRENGTHENING THE ROLE OF THE NATIONAL CENTER ON CHILD ABUSE

First, my amendments, incorporated into S. 140, provided that the National Center on Child Abuse and Neglect be given responsibility to play a more active role in helping states improve and reform their laws relating to the investigation and prosecution of child sexual abuse cases in a manner that will reduce the trauma experienced by the child victims.

Repeatedly, the California commission stressed the need for development of appropriate procedures, training materials, and research into the various aspects of the problem of child abuse particularly those relating to sexual abuse cases. One specific recommendation was for the state of California to investigate what other jurisdictions, both domestic and foreign, are doing in these areas and analyze the reasons for the effectiveness or lack thereof of approaches being tested in other jurisdictions. During the hearings on S. 140, witnesses called for the sharing of information on what was being tried and what was effective. Jack Yelverton, Executive Director of the National District Attorneys Association, specifically called for the establishment of a national network to share information and expertise on model

programs, to report and track changes in case and statutory law throughout the states and disseminate this information, to monitor and evaluate changes in state and federal laws based upon the actual case experience of prosecutors, and to develop model legislation based upon such experience.

At a hearing of the Senate Children's Caucus in Los Angeles that I chaired on June 10, 1985, I heard a similar plea for clearinghouse activities to support local law enforcement efforts to deal with complex sexual abuse cases. It was suggested that there ought to be one telephone number that local officials throughout the country could call to get information and advice on how to proceed with these difficult cases.

The National Center on Child Abuse and Neglect was established to serve as just such a clearinghouse for information and to help develop the materials and procedures to be used by individual states and localities in confronting these cases. One persistent problem that has plagued the federal child abuse program since it was first established has been its not disseminating information and research findings on a timely basis to those in the field who need to know what approaches and techniques are being tested in other jurisdictions and which of those are working and which are not.

A basic reason for this failing has been that the National Center has been buried in the HHS bureaucracy, with its funding diverted on occasion to support general discretionary projects supported by the Office of Human Development Services, rather than spent on projects focused specifically on the issues of child abuse and neglect. On April 29, 1980, the General Accounting Office [GAO] issued a report highlighting the weakness in the National Center's activities. That report -- "Increased Federal Efforts Needed to Better Identify, Treat, and Prevent Child Abuse and Neglect" (HRD-80-66) -- noted that the "Center has provided little guidance and assistance to states and localities on effective approaches and programs to deal with abuse and neglect -- Center officials had not clearly communicated to states and localities their opinions on promising approaches and programs even after extensive research and evaluation." GAO specifically recommended that to improve its leadership and assistance, the Center should be required to improve the coordination of federal programs and resources, identify approaches and programs showing promise of success, and develop information on the progress of states and localities in addressing abuse and neglect.

GAO also noted that much of the problem arose from the lack of adequate support from HHS for the Center and noted prior efforts within HHS to divert some of the Center's research funds to other programs. Nothing in the intervening years since the GAO report was issued has changed much. Indeed, Congress was forced in 1984 legislation reauthorizing appropriations for the federal child abuse program to include provisions

prohibiting HHS from using any funds appropriated under the child abuse act for any purpose other than that for which such funds were specifically authorized.

During the hearings held in the last Congress on reauthorizing funding for the National Center, the American Humane Association specifically recommended that the Center should emphasize its dissemination of information and knowledge in an "assertive" way.

As one of the cosponsors of the 1974 legislation which created the National Center and the Senate author of the 1978 legislation which extended the authorization of appropriations for its activities, I strongly believe that it is not enough to have a National Center that serves merely as a repository of information; active efforts need to be made to share that information with those in the field who can put it to use. Without this kind of leadership and initiative to disseminate information, the individual states are needlessly left to duplicate activities and waste time and resources pursuing deadends.

The Senate-passed bill thus contains in section 2 the amendment I proposed, which is included in S. 1320 and H.R. 2791, which would give the National Center a specific role and a 6-month deadline to carry it out in the national effort to improve investigation and prosecution of child sexual abuse cases.

Specifically, S. 140 would require that, within 6 months, the Center compile, analyze, publish, and disseminate to each state information on the various approaches being utilized, developed, or proposed, including an evaluation of the effectiveness or lack thereof of those approaches, to improve the investigation and prosecution of child sexual abuse cases in a manner which would reduce the trauma to the child victim and provide the states with other materials or information that may be helpful in making such improvements. It would also require the National Center to provide the states with model training materials and procedures to help ensure that all law enforcement, legal, judicial, and child welfare personnel are adequately trained to deal with child sexual abuse victims. Lastly, it would require the Center to provide for the support of research projects to assist in identifying effective approaches to improve the investigation and prosecution of child sexual abuse cases in a manner which reduces the trauma to the child victim.

I want to underscore the importance of the requirement that the National Center disseminate model training materials to law enforcement, judicial, legal, and child welfare personnel on how to deal with child sexual abuse victims. The need for this material has been stressed over and over, both in the Van de Kamp Commission report and the testimony of witnesses who appeared before that commission. Dealing with a child who has been the victim of sexual abuse is a very difficult and very sensitive

matter. The danger of further and deeper traumatization of the child by insensitive questioning or treatment is very high. Without adequate training, many professionals who want to help a child may actually do more harm than good. The judges as well as the lawyers who deal with these children in the courtroom setting need particularly to be sensitized to the special problems facing these potential young witnesses in and outside of the courtroom.

AUTHORIZING GRANTS TO BE MADE TO STATEWIDE LAW ENFORCEMENT AGENCIES

A second amendment I had proposed, which was also incorporated into section 2 of S. 140 would allow the funds appropriated under this new authority to go to statewide law enforcement agencies, and not be limited only to the social services agencies which currently receive grants under section 4(a) of the federal Child Abuse Prevention and Treatment Act. I suggested this amendment because I believe that allowing these funds to go directly to statewide law enforcement agencies would be of significant benefit in helping to elevate the level of interest and attention paid to how the criminal justice system deals with child abuse cases. As long as child abuse is regarded primarily as a matter for the child welfare or social services, rather than law enforcement agencies as well, the changes that are contemplated under S. 140 are not likely to move forward with the speed they require.

In California, this provision would allow these additional funds to be awarded to the California Attorney General's office to carry out some of the reforms outlined in the Attorney General Commission's report.

COMPLIANCE WITH CHILD ABUSE REPORTING LAWS

A third amendment I had proposed which was incorporated into S. 140 involves a problem identified by both the California Attorney General's Commission and the United States Attorney General's Task Force on Family Violence relating to a conflict between the general confidentiality provisions of the federal drug abuse and alcoholism statutes, sections 290dd-3 and 290ee-3 of title 42, United States Code, and state and local laws which require all health-care professionals to report cases of known or suspected child abuse which come to their attention.

The general confidentiality provisions in the federal laws have been construed by the Department of Health and Human Services to bar employees of drug and alcoholism programs from complying with laws requiring child abuse reporting.

It is ironic that states, under the Federal Child Abuse Prevention and Treatment Act, Public Law 93-247, are required to enact laws mandating the reporting of child abuse, yet another federal statute -- involving the federally-funded drug and alcoholism treatment programs -- has been interpreted as

prohibiting compliance with those very reporting obligations. It is also ironic that health-care providers working in a drug or alcohol treatment program that is totally funded by state, local, or private sources are fully obligated to comply with child abuse reporting requirements. However, the presence in such a program of federal funding under the drug abuse or alcoholism acts has been construed to override such obligations.

Mr. President, I recognize that there may be concerns that if substance abusers are not guaranteed confidentiality, they may not seek help at these programs. Similar concerns were raised a decade ago when the child abuse reporting laws were first enacted. It was argued then that to require, for example, health professionals to report child abuse would deter abusive parents from bringing their children in for treatment. But experience has not shown that to be true. Child abuse reporting has become an accepted responsibility for many, many professionals.

In California, and in most other states as well, all physicians, psychiatrists, psychologists, nurses, dentists, laboratory technicians and a multitude of other health-related professionals are required to comply with child abuse reporting laws.

It is also relevant that a number of courts have already determined that the records maintained by a federally-funded drug or alcoholism treatment program can be made available, through a court order, in connection with prosecution of a child abuse case. The federal statute authorizes release of information, for good cause, pursuant to a court order. In one New York case, In the Matter of the Doe Children, 93 Misc. 2d 479, 402 N.Y.S. 958 (Fam. Ct. 1978), the need for such information in a child neglect case was held to outweigh the patient's confidentiality interests under the federal statutes. As explained in the Doe case: "In assessing the public interest, the court must consider the safety and welfare of the three children who are alleged to be neglected.... The interests of these young children in living in secure surroundings outweighs any possible injury to the patient or to the physician-patient relationship." 402 N.Y.S. 2d at 959-60.

Other court decisions have reached similar conclusions. It is clear, therefore, that the information gathered in the course of providing treatment in a federally-funded drug or alcoholism program is not absolutely privileged and can be provided, pursuant to a court order, after the abuse occurs. These providers thus cannot, under existing law, guarantee absolute confidentiality to their clients since the records can be made available in such a child abuse or neglect proceeding. However, under the HHS interpretation of sections 290dd-3 and 290ee-3 of title 42, a health-care professional cannot report an ongoing child abuse case to a child protection worker.

The Department of Health and Human Services, in regulations promulgated on August 25, 1983 -- Federal Register, vol. 48, No. 166, at page 38767 -- in response to comments urging that the regulations provide for compliance with child abuse reporting laws, recognized the problem in existing law, but concluded that the "Department cannot by regulation abrogate the statutory restrictions where a disclosure is made in connection with the reporting of child abuse or neglect." The Department did state, however, that it is the policy of the Department "to encourage providers of alcohol and drug abuse and neglect where this can be done in conformity with the statutory confidentiality protections." It further suggested using court orders to authorize disclosures, reporting in a manner which does not identify the patient as an alcohol or drug abuse patient, getting the consent of the patient to make the report, or utilizing the exception for a medical emergency to justify breaking the confidentiality provisions where the child requires immediate medical intervention.

It is time, I believe, that we dealt with this problem in a straight-forward manner. The U.S. Attorney General's Task Force on Family Violence in 1984 reached the same conclusion as the California Attorney General's Commission. That task force flatly recommended that "confidentiality statutes and regulations for federal alcohol and drug abuse treatment programs should be amended to require compliance with state laws on mandatory reporting of child abuse, neglect and molestation." S. 140 would implement that recommendation by adding to the drug abuse and alcoholism treatment statutes language which is virtually identical to that included in section 312(b) of last year's child abuse amendments, Public Law 98-457, which provide an exception with respect to the obligation to report suspected child abuse incidents within the general confidentiality provisions of the new family violence prevention and services program.

INCLUSION OF CHILD ABUSE DATA IN UNIFORM CRIME REPORTING SYSTEM

Finally, S. 140 includes the fourth amendment I had proposed in S. 1320 to direct the Attorney General to include specific information relating to child abuse in the FBI's Uniform Crime Reporting System. This amendment was incorporated into a similar amendment proposed by the Senator from Iowa [Mr. GRASSLEY], relating to other information and data collection mechanisms operated by the Department of Justice. This provision should help provide hard data on the incidence and disposition of child abuse cases. The lack of these kinds of data has been a persistent problem to policymakers attempting to respond adequately in this area.

CONCLUSION

Child abuse, particularly sexual abuse of children, is a very serious problem in our society. I am deeply committed to finding ways to prevent child abuse and child sexual abuse and to provide

appropriate treatment for child abuse victims and their families. But we also must take steps to make sure that the judicial and the law enforcement aspects of these cases are adequately handled. Parents are justifiably reluctant to have their children subjected to a further abuse through the criminal prosecution of these cases. As a consequence, in some cases, the perpetrators of heinous crimes against young children are allowed to go free -- go free to prey on other children. Better reporting and enforcement of child abuse laws can help deter potential abusers from engaging in the abuse in the first instance and certainly can be effective in removing them from society when they violate the law.

The Senate-passed bill, S. 140, and the companion bills pending in the House would help achieve these goals. I urge the swift action of your two committees on this important legislation.

RECOMMENDATIONS OF THE ATTORNEY GENERAL'S COMMISSION ON THE ENFORCEMENT OF CHILD ABUSE LAWS

REPORTING

A. Confidentiality Recommendations

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL PROPOSE FEDERAL LEGISLATION TO CHANGE FEDERAL DRUG ABUSE CONFIDENTIALITY STATUTES TO ALLOW THE REPORTING OF CHILD ABUSE AS REQUIRED BY STATE LAW.

2. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR LEGISLATION ALLOWING THE STATE DEPARTMENT OF SOCIAL SERVICES ACCESS TO THE DEPARTMENT OF JUSTICE CHILD ABUSE CENTRAL REGISTRY.

3. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR LEGISLATION TO CHANGE THE CHILD ABUSE REPORTING LAW TO REQUIRE MANDATED REPORTERS TO DISCUSS THEIR REPORTS WITH CHILD PROTECTIVE AGENCY INVESTIGATORS.

B. Sanction Recommendations

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR LEGISLATION TO SPECIFY THAT WILLFUL INTERFERENCE BY SUPERVISORS OR ADMINISTRATORS WITH REPORTS BY MANDATED REPORTERS IS A MISDEMEANOR.

2. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL REQUEST THAT ALL APPROPRIATE STATE PROFESSIONAL LICENSING BOARDS DEVELOP DISCIPLINARY PROCEDURES FOR MANDATED REPORTERS WHO FAIL TO COMPLY WITH THE CHILD ABUSE REPORTING LAW.

C. Training Recommendation

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL TAKE APPROPRIATE ACTIONS TO ENSURE THAT MANDATED REPORTERS ARE TRAINED IN THEIR RESPONSIBILITIES, INCLUDING FORMAL REQUESTS TO APPROPRIATE STATE AGENCIES AND ORGANIZATIONS TO PROVIDE ADEQUATE TRAINING.

D. Clarifying Legislation Recommendation

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR CLARIFYING LEGISLATION FOR THE CALIFORNIA CHILD ABUSE REPORTING LAW NECESSITATED BY RECENT STATUTORY CHANGES.

INVESTIGATION

A. Confidentiality Recommendation

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SEEK CHANGES TO FEDERAL AND STATE LAWS TO REMOVE WELFARE/SOCIAL SERVICES CONFIDENTIALITY PROVISIONS WHICH INAPPROPRIATELY IMPEDE TIMELY AND EFFECTIVE CHILD ABUSE INVESTIGATIONS BY LAW ENFORCEMENT AND PROSECUTION AGENCIES.

B. Organizational and Procedural Recommendations

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL ESTABLISH A MISSING AND EXPLOITED CHILDREN'S UNIT WITHIN THE DEPARTMENT OF JUSTICE TO COORDINATE MULTIJURISDICTIONAL INVESTIGATIONS AND TO PROVIDE TRAINING AND INVESTIGATIVE ASSISTANCE AND CONSULTATION TO LOCAL JURISDICTIONS.

2. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR LEGISLATION TO ESTABLISH RESPONSE CRITERIA FOR REPORTS OF MISSING CHILDREN. THE CRITERIA SHOULD INCLUDE: (A) IMMEDIATE AND APPROPRIATE RESPONSE; (B) IMMEDIATE ENTRY OF

THE REPORT IN THE NATIONAL CRIME INFORMATION CENTER (NCIC) MISSING PERSONS FILE; AND (C) A REQUIREMENT TO SUBMIT A COPY OF THE REPORT TO THE JURISDICTION IN WHICH THE CHILD RESIDES.

3. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL REQUEST THAT THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING (POST) DEVELOP STANDARDIZED PROTOCOLS FOR LOCAL LAW ENFORCEMENT AGENCIES ON THE INVESTIGATION OF CHILD PHYSICAL ABUSE, SEXUAL ABUSE, AND NEGLECT.

4. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL ENCOURAGE LOCAL LAW ENFORCEMENT AGENCIES TO ESTALISH SPECIALIZED UNITS OR ASSIGN SPECIALLY TRAINED OFFICERS TO THE INVESTIGATION OF CHILD ABUSE.

5. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL ENCOURAGE LOCAL LAW ENFORCEMENT AGENCIES TO BOTH COORDINTE CHILD ABUSE INVESTIGATIONS AND PARTICIPATE ON INTERAGENCY COORDINATION COUNCILS.

C. Training Recommendations

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL REQUEST THAT THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING UPDATE AND EXPAND THE CHILD ABUSE TRAINING UNIT IN THE BASIC ACADEMY COURSE FOR NEW OFFICERS. THE BASIC TRAINING SHOULD BE DIRECTED TOWARD DETECTION, INVESTIGATION, AND REPORTING. BASIC TRAINING SHOULD BE SUPPLEMENTED BY ADVANCED OFFICER TRAINING AND SPECIAL COURSES.

2. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL REQUEST THAT THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING PERIODICALLY UPDATE ITS CHILD ABUSE TRAINING MATERIALS, INCLUDING "INVESTIGATION OF CHILD ABUSE AND NEGLECT" AND "GUIDELINES FOR THE INVESTIGATION OF SEXUAL EXPLOITATION AND SEXUAL ABUSE OF CHILDREN."

3. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR LEGISLATION TO MAKE THE TRAINING REQUIREMENTS IN PENAL CODE SECTION 13517 MANDATORY FOR OFFICERS ASSIGNED AS INVESTIGATIVE SPECIALISTS IN CHILD ABUSE AND NEGLECT CASES.

4. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL AND THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING ENSURE COMPLIANCE WITH MANDATORY TRAINING REQUIREMENTS IN PENAL CODE SECTION 13516 FOR OFFICERS ASSIGNED AS INVESTIGATIVE SPECIALISTS IN SEXUAL ASSAULT AND EXPLOITATION CASES.

D. Medical Evidentiary Recommendations

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL REQUEST THAT APPROPRIATE STATE AGENCIES AND PROFESSIONAL MEDICAL ORGANIZATIONS WORK WITH THE OFFICE OF CRIMINAL JUSTICE PLANNING IN THE PLANNING, DEVELOPMENT AND IMPLEMENTATION OF A STATEWIDE STANDARDIZED PROCEDURE FOR USE BY HEALTH PROVIDERS IN CASES OF SUSPECTED CHILD ABUSE.

2. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL REQUEST THAT THE STATE DEPARTMENT OF HEALTH SERVICES DEVELOP A STANDARD MINIMUM REQUIREMENT FOR CHILD ABUSE SERVICES FOR ALL LICENSED HOSPITALS AND CLINICS WITH ACTIVE PEDIATRIC SERVICES, WHICH SHOULD INCLUDE A DESIGNATED TEAM, STANDARDIZED PROTOCOLS, AND AN INTERNAL AND EXTERNAL AUDIT OF THE RESPONSE OF THAT TEAM.

3. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL EXPLORE MEANS TO STANDARDIZE AND FUND MEDICAL EVIDENTIARY EXAMINATIONS IN CHILD ABUSE CASES.

4. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL REQUEST THAT THE STATE CORONERS' ASSOCIATION DEVELOP UNIFORM STANDARDS FOR THE REVIEW OF ALL CHILD DEATH CASES.

E. Dependency and Custody Investigation Recommendations

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR LEGISLATION TO SPECIFY THAT PROTECTION OF THE CHILD IS THE FIRST PRIORITY OF WELFARE

INSTITUTIONS CODE SECTION 315 DETENTION HEARINGS, AND THAT A CHILD SHOULD NOT BE IMMEDIATELY RETURNED TO HIS OR HER CUSTODIAL PARENT OR GUARDIAN WHEN THE EVIDENCE SHOWS SEXUAL ABUSE OR SEVERE PHYSICAL ABUSE BY THAT PARENT OR GUARDIAN.

2. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SUPPORT STATE DEPARTMENT OF SOCIAL SERVICES AND COUNTY WELFARE DIRECTOR ASSOCIATION EFFORTS TO DEVELOP CASELOAD STANDARDS AND GUIDELINES FOR THE INVESTIGATION AND MANAGEMENT OF CHILD ABUSE CASES.

3. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL TAKE NECESSARY STEPS FOR THE DEVELOPMENT OF APPROPRIATE TRAINING IN THE LEGAL ASPECTS OF PROCESSING CHILD ABUSE CASES IN BOTH THE DEPENDENCY AND CRIMINAL SYSTEMS FOR ALL CHILD WELFARE SERVICES WORKERS IN THE PUBLIC SOCIAL SERVICES SYSTEMS.

4. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL RECOMMEND THAT THE STATE DEPARTMENT OF SOCIAL SERVICES WORK WITH THE COUNTY WELFARE DIRECTORS TO MAKE EVERY EFFORT TO ESTABLISH CASE MANAGEMENT SYSTEMS IN WHICH FAMILIES RECEIVING CHILD WELFARE SERVICES ARE ASSIGNED, AT MOST, ONE INVESTIGATOR AND ONE CHILD WELFARE SERVICES WORKER.

5. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL ENCOURAGE THE DEVELOPMENT OF JOINT LAW ENFORCEMENT AND CHILD WELFARE SERVICES TEAMS FOR THE INVESTIGATION OF CHILD ABUSE REPORTS.

PROSECUTION

A. Modification of Courtrooms Recommendation

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR LEGISLATION TO PROVIDE FOR THE MODIFICATION OF COURTROOMS TO ACCOMMODATE CHILD VICTIMS.

B. Jurisdictional, Organizational and Procedural Recommendations

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR LEGISLATION ENCOURAGING AND PROVIDING FUNDING FOR VERTICAL PROSECUTION UNITS IN DISTRICT ATTORNEYS' OFFICES FOR CHILD ABUSE CASES.

2. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR LEGISLATION TO ESTABLISH THAT THE DOCTRINES OF COLLATERAL ESTOPPEL AND RES JUDICATA SHALL NOT APPLY IN A CRIMINAL PROCEEDING IN THE EVENT OF AN ADVERSE RULING IN A JUVENILE COURT DEPENDENCY PROCEEDING.

3. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR LEGISLATION TO REQUIRE THE COURTS TO REFER ANY ALLEGATION OF CHILD ABUSE ARISING IN A FAMILY LAW PROCEEDING TO THE COUNTY WELFARE DEPARTMENT FOR AN ASSESSMENT AND A REPORT BACK TO THE COURT.

4. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR LEGISLATION TO AMEND EVIDENCE CODE SECTION 765, TO ADD SUBSECTIONS WHICH (A) PLACE REASONABLE LIMITATIONS WITHIN CONSTITUTIONAL LIMITS ON REPETITIVE QUESTIONS ASKED OF CHILD WITNESSES IN CASES INVOLVING MULTIPLE DEFENDANTS, AND (B) PROVIDE EXPLICIT JUDICIAL AUTHORITY TO CONTROL THE METHOD OF EXAMINATION OF CHILD WITNESSES.

5. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR LEGISLATION TO ESTABLISH SPECIAL RULES FOR DETERMINING THE COMPETENCY OF CHILD WITNESSES.

6. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR LEGISLATION TO ALLOW A PRELIMINARY HEARING TO BE POSTPONED, FOR A REASONABLE TIME WHERE NECESSARY, WHEN A YOUNG CHILD VICTIM OR WITNESS IS TESTIFYING.

7. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR LEGISLATION TO EXPAND HEARSAY EXCEPTIONS, WITH APPROPRIATE SAFEGUARDS, AND PERMIT THE ADMISSIBILITY OF OUT-OF-COURT STATEMENTS OF YOUNG CHILD ABUSE VICTIMS.

8. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR LEGISLATION

PERMITTING THE USE OF CONTEMPORANEOUS CLOSED-CIRCUIT TELEVISION, UNDER CERTAIN CIRCUMSTANCES, FOR TESTIMONY PROVIDED BY YOUNG CHILD ABUSE VICTIMS IN COURT.

9. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR LEGISLATION WHICH WOULD PERMIT A CHILD VICTIM TO SELECT ANY SUPPORT PERSON OF HIS OR HER CHOICE TO BE PRESENT AT ALL TIMES DURING ANY COURT PROCEEDINGS.

C. Training Recommendations

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL, IN CONJUNCTION WITH THE CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION, SPONSOR LEGISLATION REQUIRING THE DEVELOPMENT OF CURRICULA AND THE PROVISION OF ONGOING TRAINING FOR DISTRICT ATTORNEYS ON THE SUBJECT OF INTERVIEWING CHILD VICTIMS AND PROSECUTING CHILD ABUSE CASES.

2. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL, IN CONJUNCTION WITH THE CALIFORNIA JUDGES' COLLEGE AND THE JUDICIAL COUNCIL, SPONSOR LEGISLATION TO DEVELOP CURRICULA AND PROVIDE ONGOING TRAINING FOR JUDGES IN THE COURT ADMINISTRATION AND MANAGEMENT OF CHILD ABUSE CASES.

3. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL PUBLISH A "KNOW YOUR CHILD ABUSE LAWS" PAMPHLET OR PUBLICATION FOR CRIMINAL JUSTICE PROFESSIONALS.

D. New Crime and Registration Recommendations

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR LEGISLATION ESTABLISHING A STATUTORY SECOND-DEGREE MURDER RULE APPLICABLE TO CHILD ABUSE DEATHS.

2. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR LEGISLATION REQUIRING THE REGISTRATION OF CONVICTED ADOLESCENT SEX OFFENDERS.

E. Dependency Recommendation

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL ENCOURAGE THE JUDICIAL COUNCIL TO CONDUCT A SURVEY TO COLLECT INFORMATION FROM COURTS REGARDING EXISTING PRACTICES IN CHILD DEPENDENCY HEARINGS, INCLUDING: THE RESPONSIBLE AGENCY, LEVEL OF TRAINING OF ATTORNEYS, EXISTING PROTOCOLS FOR COORDINATION WITH THE PROSECUTORS OF CRIMINAL ACTIONS, USE OF REFEREES, COMMISSIONERS AND JUDGES, LEVEL OF TRAINING OF JUDICIAL PERSONNEL, ADEQUACY OF COURT FACILITIES, AND STANDARDS USED TO DETERMINE WHETHER OR NOT TO RETURN THE CHILD TO THE HOME.

DAY CARE LICENSING

A. Long-Range Planning Recommendations

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL CREATE A FORUM FOR REVIEWING THE CURRENT STATE OF CHILD CARE PRACTICES. ISSUES TO BE ADDRESSED INCLUDE:

   - CURRENT DATA ON CHILD CARE AVAILABILITY TO DETERMINE WHAT RESOURCES ARE NEEDED TO IMPROVE THE QUALITY OF CHILD CARE
   - CURRENT EFFORTS TO EXPAND THE AVAILABILITY OF CHILD CARE SERVICES TO MEET THE DEMAND
   - DETERMINATION OF THE NEED FOR AN OFFICE OF CHILD CARE AT THE STATE LEVEL TO SERVE AS A FOCAL POINT FOR ALL CHILD DAY CARE PROGRAM AND LICENSING ACTIVITIES
   - UPGRADING OF CHILD CARE TEACHER REQUIREMENTS AND COMPENSATION.
   - THE VALUE OF DIVERSIFIED CHILD CARE SERVICES, INCLUDING CHILD CARE CENTERS AND PUBLIC SCHOOL PROGRAMS
   - THE COST AND FUNDING SOURCES FOR PROPOSALS ARISING FROM THE FORUM

B. Parent Awareness Recommendation

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL DEVELOP STRATEGIES TO INCREASE PARENTAL AWARENESS OF AVAILABLE CHILD DAY CARE CHOICES AND LICENSING REQUIREMENTS IN COOPERATION WITH THE STATE DEPARTMENT OF EDUCATION, STATE DEPARTMENT OF SOCIAL SERVICES AND THE CALIFORNIA RESOURCE AND REFERRAL NETWORK.

C. Provider Training Recommendation

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL: (A) PROVIDE FOR THE UPDATING AND PUBLISHING OF THE PAMPHLET, "REPORTING CHILD ABUSE: RIGHTS AND RESPONSIBILITIES FOR CHILD CARE PROVIDERS," FOR DISSEMINATION TO EVERY CHILD DAY CARE FACILITY; (B) REQUEST THAT THE STATE DEPARTMENT OF SOCIAL SERVICES INCLUDE INFORMATION ON CHILD ABUSE REPORTING MANDATES IN ALL ORIENTATION SESSIONS FOR POTENTIAL CHILD DAY CARE LICENSEES; AND (C) REQUEST THAT THE DEPARTMENT OF SOCIAL SERVICES USE SOME OF THE INCREASED TITLE XX MONIES EARMARKED FOR CHILD DAY CARE TRAINING ON CHILD ABUSE PREVENTION AND INTERVENTION TRAINING FOR ALL CHILD DAY CARE PROVIDERS.

D. Consumer Protection Recommendations

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SUPPORT LEGISLATION TO GUARANTEE PARENTS THE RIGHT TO INSPECT CHILD DAY CARE FACILITIES WHILE THEIR CHILDREN ARE IN CARE AT THE FACILITY.

2. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR LEGISLATION THAT THE OMBUDSMEN OF THE DEPARTMENT OF SOCIAL SERVICES COMMUNITY CARE LICENSING DIVISION DISTRICT OFFICES NOTIFY THE APPROPRIATE LOCAL RESOURCE AND REFERRAL AGENCY, FUNDED PURSUANT TO EDUCATION CODE SECTIONS 8210 THROUGH 8214, WHEN A FACILITY IS UNDER INVESTIGATION AND IT APPEARS THAT A SUSPENSION OR REVOCATION ACTION IS LIKELY.

3. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL ENCOURAGE THE DEPARTMENT OF SOCIAL SERVICES TO CONTINUE ITS EFFORTS TO ENSURE TIMELY NOTIFICATION TO PARENTS AND RESOURCE AND REFERRAL AGENCIES WHEN AN ADMINISTRATIVE ACTION IS INSTITUTED AGAINST A LICENSEE. FURTHER, PARENTS AND RESOURCE AND REFERRAL AGENCIES SHOULD BE NOTIFIED WHENEVER AN ACTION TO REVOKE A LICENSE HAS BEEN FILED.

4. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL ENCOURAGE THE DEPARTMENT OF SOCIAL SERVICES TO CONTINUE ITS RECENTLY INSTITUTED PRACTICE OF PUBLICIZING REVOCATIONS AND SUSPENSIONS.

E. Complaint Process Recommendations

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL REQUEST THAT THE DEPARTMENT OF SOCIAL SERVICES INSTALL TOLL FREE NUMBERS OR SPECIAL COMPLAINT LINES AT EACH CHILD DAY CARE LICENSING DISTRICT OFFICE TO FACILITATE THE COMPLAINT PROCESS.

2. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL REQUEST THAT THE DEPARTMENT OF SOCIAL SERVICES REQUIRE EXPEDITIOUS RESOLUTION OF A COMPLAINT AGAINST A CHILD DAY CARE FACILITY.

F. Investigation Recommendations

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR LEGISLATION REQUIRING THAT THE DEPARTMENT OF JUSTICE, IN COOPERATION WITH THE STATE DEPARTMENT OF SOCIAL SERVICES, DEVELOP REGULATIONS FOR THE INVESTIGATION OF REPORTS OF CHILD ABUSE OCCURRING IN CHILD DAY CARE FACILITIES.

   THE REGULATIONS SHOULD INCLUDE:

   - PROVISIONS FOR IMMEDIATE CROSS-REPORTING BETWEEN LAW ENFORCEMENT AND THE LICENSING AGENCY

- INVOLVEMENT BY THE COUNTY WELFARE DEPARTMENT CHILD WELFARE STAFF AS APPROPRIATE
- INFORMATION SHARING BETWEEN THE INVESTIGATING AGENCIES

THE LEGISLATION SHOULD ALSO REQUIRE THAT REGULATIONS BE DEVELOPED FOR RESPONDING TO REPORTS OF ABUSE IN ALL OUT-OF-HOME CHILD CARE SITUATIONS.

2. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL AND THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING DEVELOP A PROTOCOL FOR INVESTIGATING ABUSE IN A CHILD DAY CARE FACILITY.

G. License Denial and Revocation Recommendation

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR OR SUPPORT LEGISLATION TO CODIFY THE "PREPONDERANCE OF THE EVIDENCE" STANDARD FOR LICENSE REVOCATION PROCEEDINGS.

H. Judicial Training Recommendation

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL ENCOURAGE THE DEVELOPMENT OF TRAINING PROGRAMS FOR JUDGES AND ADMINISTRATIVE LAW JUDGES REGARDING THE REQUIREMENTS FOR LICENSING CHILD DAY CARE FACILITIES.

I. Criminal Record Checks Recommendation

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL AND THE STATE DEPARTMENT OF SOCIAL SERVICES ADOPT PROCEDURES TO EXPEDITE CRIMINAL RECORD CHECKS ON PROSPECTIVE EMPLOYEES IN CHILD DAY CARE FACILITIES.

PREVENTION

A. Public Awareness Recommendation

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL CONTINUE TO FOCUS PUBLIC ATTENTION ON THE PROBLEMS OF CHILD ABUSE AND NEGLECT AND PROMOTE THE DEVELOPMENT OF COMMUNITY SERVICES TO PREVENT THE MISTREATMENT OF CHILDREN.

B. Community Involvement and Interagency Coordination Recommendations

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SUPPORT LEGISLATION TO DEFINE, RECOGNIZE AND FUND CHILD ABUSE COUNCILS STATEWIDE.

2. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL CONTINUE TO PROMOTE THE USE OF NEIGHBORHOOD WATCH AND BLOCK PARENT PROGRAMS FOR FAMILY VIOLENCE REDUCTION AND CHILD ABUSE PREVENTION.

C. Training Recommendations

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL ENCOURAGE CHILD ABUSE TRAINING FOR APPROPRIATE PROFESSIONALS DURING THEIR FORMAL EDUCATION AND AS A CONDITION TO LICENSURE.

2. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SUPPORT LEGISLATION TO MANDATE PARENTING EDUCATION IN ALL PUBLIC SCHOOLS FROM KINDERGARTEN THROUGH TWELFTH GRADE.

D. Treatment Services Recommendation

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SUPPORT THE CONTINUED DEVELOPMENT AND EXPANSION OF TREATMENT RESOURCES FOR VICTIMS OF CHILD ABUSE, THEIR FAMILIES, AND FOR SELECTED OFFENDERS.

E. Extended Day Care Recommendation

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL AND THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION JOINTLY SPONSOR LEGISLATION TO PROVIDE FUNDING THROUGH THE STATE DEPARTMENT OF EDUCATION TO:

   a. EXPAND SCHOOL-AGE AND PRESCHOOL-AGE CARE PROGRAMS

b. MAXIMIZE THE USE OF EXISTING SCHOOL FACILITIES FOR SUPERVISION OF CHILDREN FROM 7:00 A.M. TO 7:00 P.M.

F. Cultural Issues Recommendation

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SUPPORT EFFORTS TO ENSURE THAT THE ENFORCEMENT OF CHILD ABUSE LAWS IS NONDISCRIMINATORY.

G. Neonatal Withdrawal Recommendation

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SEEK DEVELOPMENT OF GUIDELINES FOR THE REPORTING AND MANAGEMENT OF CASES OF SUSPECTED NEONATAL DRUG AND ALCOHOL WITHDRAWAL, INCLUDING STANDARDS FOR TAKING THE CHILD INTO PROTECTIVE CUSTODY, FOR SUSTAINING A DEPENDENCY PETITION AND FOR TIMELY RESPONSE.

DATA COLLECTION AND RESEARCH

A. Permanent Child Abuse Commission Recommendation

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL CONSIDER ESTABLISHING A PERMANENT CHILD ABUSE COMMISSION TO MEET QUARTERLY TO REVIEW FOLLOW-UP ON THE RECOMMENDATIONS OF THE ATTORNEY GENERAL'S COMMISSION ON THE ENFORCEMENT OF CHILD ABUSE LAWS, AND TO CONSIDER SPECIAL CONCERNS RELATED TO CHILD ABUSE.

B. Children's Court Pilot Project Recommendation

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR LEGISLATION TO ESTABLISH A CHILD VICTIMS' COURT PILOT PROJECT.

C. Data Collection Recommendations

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SUPPORT THE INCLUSION OF CHILD ABUSE STATISTICS IN THE FBI UNIFORM CRIME REPORTING (UCR) SYSTEM.
2. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SPONSOR STATE LEGISLATION TO INCUDE THE AGES OF VICTIMS AND THEIR RELATIONSHIPS TO OFFENDERS IN THE REPORTING OF ALL CRIMES AGAINST PERSONS UNDER 18 YEARS OF AGE.
3. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL INITIATE EFFORTS TO COORDINATE CHILD ABUSE DATA COLLECTION BY THE DEPARTMENT OF JUSTICE AND THE STATE DEPARTMENT OF SOCIAL SERVICES FOR PUBLIC DISSEMINATION.
4. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL DEVELOP A PROCEDURE FOR TRACKING CHILD ABUSE CASES THROUGH THE CRIMINAL AND CIVIL COURT SYSTEMS.
5. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL REQUEST THAT THE JUDICIAL COUNCIL ANALYZE CHILD ABUSE-RELATED OFFENSES SEPARATELY IN ITS ANNUAL REPORT TO DETERMINE UNIFORMITY OF SENTENCING PRACTICES.
6. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL INITIATE A SURVEY OF CASE MANAGEMENT DATA SYSTEMS FROM ALL CRIMINAL PROSECUTION AGENCIES.
7. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL COLLECT INFORMATION FROM INVESTIGATIVE AND PROSECUTION AGENCIES ON EXISTING PRACTICES USED TO RECORD INTERVIEWS WITH CHILD VICTIMS, AND INTERVIEW TECHNIQUES EMPLOYED BY SUCH AGENCIES.
8. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL MAINTAIN STATISTICS REGARDING THE APPLICATION OF LAWS IN THE CHILD PORNOGRAPHY AREA.

D. Research Recommendations

1. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL ENCOURAGE RESEARCH INTO THE EFFECTS OF THE COURT PROCESS ON CHILD ABUSE VICTIMS.

2. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL ENCOURAGE RESEARCH INTO THE FOLLOWING:
   - INTERVIEWING CHILD VICTIMS TO MINIMIZE TRAUMA AND MAXIMIZE RELIABILITY OF INFORMATION OBTAINED
   - EXAMINING WHETHER EXISTING LEGAL PRACTICES IN DETERMINING CREDIBILITY OF CHILD VICTIMS ARE FAIR AND OFFER EQUAL PROTECTION TO CHILDREN AS A CLASS
   - DETERMINING WHETHER EXISTING PRACTICES IN QUALIFYING CHILD WITNESSES TO TESTIFY ARE APPROPRIATE AND RELIABLE
   - EFFECTIVENESS OF COURT ACTIONS IN PROTECTING CHILDREN FROM ABUSE
   - CHILD ABUSING ASPECTS OF THE INTERVENTION SYSTEM (I.E., SYSTEM ABUSE)
   - VALUE OF MULTIAGENCY, MULTIDISCIPLINARY INTERVENTION SYSTEMS
   - EFFECTIVENESS OF CHILD ABUSE TREATMENT PROGRAMS
   - CORRELATION BETWEEN CHILD ABUSE, SPOUSE ABUSE, AND ELDER ABUSE
   - CHILD ABUSE WITHIN THE FOSTER-CARE SYSTEM
3. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL ENCOURAGE RESEARCH DESIGNED TO DETERMINE THE MOST EFFECTIVE USE OF RESOURCES OF THE FOLLOWING GOVERNMENTAL AGENCIES AND PROFESSIONALS WITH A VIEW TOWARD MAXIMUM CO-ORDINATION OF EFFORTS IN THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES: MANDATED REPORTERS, LAW ENFORCEMENT AGENCIES, CHILD WELFARE SERVICES AGENCIES, PROBATION DEPARTMENTS, STATE LICENSING AGENCIES, FAMILY COURT SERVICES, DISTRICT ATTORNEYS, PUBLIC DEFENDERS, COUNTY COUNSELS, MUNICIPAL COURTS, AND SUPERIOR COURTS.
4. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL ENCOURAGE RESEARCH DESIGNED TO DETERMINE HOW COMMUNITY-BASED RESOURCES MAY BE MOST EFFECTIVELY COORDINATED TO MAXIMIZE CHILD ABUSE PREVENTION AND DETECTION EFFORTS: CHILD ABUSE COORDINATING COUNCILS, PARENTS' GROUPS, COMMUNITY-BASED SERVICE ORGANIZATIONS, CHILD CARE CENTERS/RESOURCE AND REFERRAL NETWORKS, PUBLIC AND PRIVATE SCHOOLS AND EDUCATIONAL FACILITIES, HOSPITALS AND CLINICS, MEDICAL ASSOCIATIONS, BAR ASSOCIATIONS, AND MEDIA.
5. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL, IN COOPERATION WITH OTHER AGENCIES, UNDERTAKE A STUDY OF THE INCIDENCE OF RECIDIVISM OF DEFENDANTS CONVICTED OF CHILD ABUSE OFFENSES.
6. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL ENCOURAGE LONG-TERM STUDY ON THE RELATIONSHIP BETWEEN CHILD ABUSE AND SUBSEQUENT CRIMINAL BEHAVIOR.
7. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL ENCOURAGE LONG-TERM RESEARCH TO IDENTIFY THE KINDS OF COMMUNITY RESOURCES WHICH WOULD HAVE A MEASURABLE EFFECT ON (A) REDUCING THE INCIDENCE OF CHILD ABUSE, AND (B) REDUCING SUBSEQUENT CRIMINAL BEHAVIOR DETERMINED TO BE CAUSED BY CHILD ABUSE.
8. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL RESEARCH THE EVALUATION OF CHILD ABUSE PREVENTION METHODS EMPLOYED IN OTHER JURISDICTIONS, BOTH DOMESTIC AND FOREIGN, INCLUDING AN ANALYSIS OF THE REASONS FOR THEIR EFFECTIVENESS OR LACK THEREOF.
9. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL ENCOURAGE RESEARCH TO STUDY METHODS TO INCREASE SELF-REPORTING BY OFFENDERS.
10. THE COMMISSION RECOMMENDS THAT THE ATTORNEY GENERAL SUPPORT RESEARCH ON THE DEVELOPMENT OF (A) PARENTING PROGRAMS, SUPPORT SERVICES AND OTHER SPECIALIZED PROGRAMS FOR PREGNANT FEMALES OR PARENTS OF CHILDREN UNDER 10 WHO ARE DETAINED, INCARCERATED, OR ON PROBATION OR PAROLE, AND (B) TREATMENT PROGRAMS FOR CHILD ABUSE OFFENDERS WHO ARE INCARCERATED OR ON PROBATION OR PAROLE.

[Whereupon, at 10:55 a.m., the hearing was adjourned.]

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